Subtitle II - Housing Code

Chapter 22.200 - TITLE, PURPOSE AND SCOPE

22.200.010 - Title.

The ordinance codified in Chapters 22.200 through 22.208 of this subtitle shall be known and may be cited as the "Housing and Building Maintenance Code" and is referred to herein as "this Code."

(Ord. 113545 § 2(part), 1987.)

22.200.020 - Declaration of findings and intent.

A. It is found and declared that there exist, within The City of Seattle, buildings together with appurtenant structures and premises that are substandard, deteriorating, in danger of causing or contributing to the creation of slums or otherwise blighted areas, and hazardous to the health safety and general welfare of the public.

B. It is further found and declared that these conditions are the result of, among other causes: inadequate original construction; dilapidation; failure to repair; lack of proper sanitary facilities and maintenance; structural defects; vacant or abandoned buildings or properties; overcrowding; electrical, mechanical and other defects increasing the hazards of fire, accidents or other calamities; uncleanliness; inadequate heating, lighting and ventilation.

C. It is further found that maintenance of the housing stock is critical to the health, safety and welfare of the general public and it is the intent of this Code to assure the preservation of the existing supply of housing in The City of Seattle by establishing minimum standards and an effective means for enforcement and by encouraging the rehabilitation and re-use of existing structurally sound buildings.

D. It is further found and declared that arbitrary eviction of responsible tenants imposes upon such tenants the hardship of locating replacement housing and provides no corresponding benefit to property owners.

E. It is further found and declared that tenants who do not respect the rights of others impose unnecessary hardship.

F. It is the intent of this Code that relocation assistance payments required by Subtitle II of Title 22 shall be in addition to a refund from the property owner of any deposits and of other sums to which a tenant is lawfully entitled under state or federal law.

G.

The express purpose of this Code is to provide for and promote the health, safety and welfare of the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code. The obligation of complying with the requirements of this Code and the liability for failing to do so is hereby placed upon the property owner and/or occupant or persons responsible for the condition of the buildings or premises.

(Ord. 121076 § 1, 2003; Ord. 115671, § 1, 1991; Ord. 113545 § 2(part), 1987.)

22.200.030 - Scope.

This Code shall apply to all buildings, appurtenant structures and premises, now in existence or hereafter constructed; provided, that:

A. The minimum standards of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes in effect when a building, structure or premises was constructed, altered, rehabilitated or repaired shall apply to the construction, alteration, rehabilitation and repair, and shall apply to maintenance except when this Code specifically requires higher standards;

B. The minimum standards set forth in SMC Sections 22.206.010 through 22.206.140 shall be advisory only for all housing units that are owner-occupied and in which no rooms are rented or leased to others, except as provided by Section 22.202.035 for owner-requested inspections; and

C. The minimum standards of this Code shall not apply to any structure constructed and maintained in compliance with standards and procedures of the Seattle Building, Mechanical, Fire, Electrical and Plumbing Codes currently in effect.

(Ord. 120087 § 1, 2000; Ord. 113545 § 2(part), 1987.)

Chapter 22.202 - ADMINISTRATION

22.202.010 - Enforcement authority—Rules

A. Enforcement. The Director is hereby designated the City Official to exercise the powers granted by this Title 22. The Chief of Police shall provide assistance to the Director in enforcing this Title 22 when requested by the Director.

B. Rules. The Director is authorized to adopt, in accordance with Chapter 3.02, such rules as are necessary to implement the requirements of this Code and to carry out the duties of the Director hereunder.

(Ord. 125054, § 1, 2016; Ord. 120302, § 1, 2001; Ord. 113545, § 3(part), 1987.)

22.202.020 - Fees

Fees or charges for advisory inspections, inspections for monitoring vacant buildings, and for requested services shall be as specified in Chapter 22.900F. No fee shall be charged for inspections in response to citizen complaints.

(Ord. 113545, § 3(part), 1987.)

22.202.030 - Right to entry

The Director or the Director's designee may, with the consent of an occupant or owner, or pursuant to a lawfully issued warrant, enter any building, structure, or premises in the City to perform any duty imposed by this Code.

(Ord. 113545, § 3(part), 1987.)

22.202.035 - Owner-requested inspections

The Director is authorized to make inspections upon the receipt of a request from an owner and upon receipt of payment in accordance with Chapter 22.900F for the purpose of determining whether buildings and properties comply with the standards of this Code. Such inspections may include owner-occupied, single-family dwelling units otherwise beyond the scope of this Code. The standards used in the inspection shall include all the standards of this Code, including those items from which single-family dwellings are otherwise exempted. As a result of an owner-requested inspection, the Director shall require compliance with the following provisions of this Code and no others:

A. Section 22.206.140 in housing units other than owner-occupied housing units in which no rooms are rented or leased to others;

B. Section 22.206.130 in structures that are tenant-occupied;

C. Section 22.206.260.

(Ord. 113545, § 3(part), 1987.)

22.202.040 - Liability

Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from the failure of an owner of property or land to comply with the provisions of this Code, or by reason or in consequence of any inspection, notice, order, certificate, permission, or approval authorized or issued or

done in connection with the implementation or enforcement of this Code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Code by its officers, employees, or agents.

(Ord. 113545, § 3(part), 1987.)

22.202.050 - Housing and Abatement Accounting unit

A restricted accounting unit designated as the "Housing and Abatement Account" is established in the Construction and Inspections Fund from which account the Director is hereby authorized to pay the costs and expenses incurred for the repair, alteration, improvement, vacation and closure, removal, or demolition of any building, structure, or other dangerous condition pursuant to the provisions of this Title 22, or pursuant to any other ordinance administered and enforced by the Director declaring any building, structure, or premises to be a public nuisance and ordering the abatement thereof. Money from the following sources shall be paid into the Housing and Abatement Accounting Unit:

A. Sums recovered by the City as reimbursement for costs incurred by the City for the repair, alteration, stabilization, improvement, vacation and closure, removal, or demolition of buildings or structures in accordance with this Code;

B. Sums recovered by the City as reimbursement for costs and expenses of abatement of buildings, structures, and premises declared to be public nuisances;

C. The unencumbered balance remaining in the Housing and Abatement Revolving Fund created by Ordinance 106319;

D. Other sums that may by ordinance be appropriated to or designated as revenue of the account;

E. Other sums that may by gift, bequest, or grant be deposited in the account; and

F. Fines and penalties collected pursuant to Section 22.208.150 and subsections 22.206.280.A, 22.206.280.B, 22.206.280.D, 22.206.280.E, and 22.206.280.F.

(Ord. 125492, § 90, 2017; Ord. 125054, § 2, 2016; Ord. 122397, § 1, 2007; Ord. 121076, § 2, 2003; Ord. 120537, § 4, 2001; Ord. 119509, § 1, 1999; Ord. 114815, § 1, 1989; Ord. 113545, § 3(part), 1987.)

22.202.060 - Emergency Relocation Assistance Accounting Unit

A restricted accounting unit designated as the Emergency Relocation Assistance Account is established in the Construction and Inspections Fund, from which account the Director is hereby authorized to pay relocation assistance pursuant to Section 22.206.265, when a property owner is required to deposit such assistance pursuant to Section 22.206.260.

A.

The total amount of unreimbursed advances from this account shall not exceed $200,000 at any given time.

B. Money from the following sources shall be paid into the Emergency Relocation Assistance Account:

1. Fines and penalties collected pursuant to subsection 22.206.280.C;
2. Sums that may by ordinance be appropriated to or designated as revenue to this account;
3. Other sums that may by gift, bequest, or grant be deposited in this account;
4. Reimbursement of monies paid to The City of Seattle as relocation assistance from this account; and
5. Relocation assistance monies deposited by property owners with the Director pursuant to subsection 22.206.260.G.

(Ord. 125492, § 91, 2017; Ord. 125468, § 1, 2017; Ord. 121076 § 3, 2003.)

22.202.080 - Documentation of notices

All written notices required by Chapters 22.200 through 22.208 to be provided to or served on tenants by property owners, or on property owners by tenants, shall be documented in such a manner as to confirm the date on which the notice was received. The use of email is allowed for written notices required under subsections 22.206.180.I.1, 22.206.180.I.2, and 22.206.180.I.3.

(Ord. 125901, § 3, 2019 [cross-reference update]; Ord. 125343, § 1, 2017; Ord. 125054, § 3, 2016)

Chapter 22.204 - DEFINITIONS

22.204.010 - General provisions.

A. For the purpose of this Code, certain terms, phrases, words and their derivations shall be construed as specified in this chapter. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

B. Whenever the words "apartment house," "building," "dormitory," "dwelling," "dwelling unit," "guest room," "habitable room," "hotel," "housekeeping room," "housing unit," or "structure" are used in this Code, such words shall be construed as if followed by the words "or any portion thereof."

(Ord. 113545 § 4(part), 1987.)

22.204.020 - "A."

A. "Advisory inspections" means an owner-requested inspection pursuant to Section 22.202.035.

B. "Apartment house" means any building containing three (3) or more dwelling units and shall include residential condominiums, townhouses and cooperatives.

C. "Approved" means approved by the Director or by the Director of Seattle-King County Public Health, or by the Director of Seattle Public Utilities, or by the Fire Chief, as the result of investigations or tests, or approved by the Director by reason of accepted principles or tests recognized by authorities, or technical or scientific organizations.

(Ord. 118396 § 169, 1996: Ord. 113545 § 4(part), 1987.)

22.204.030 - "B."

A. "Basement" means any floor level below the first story in a building. See "Story."

B. "Building" means any structure which is used, designed or intended to be used for human habitation or other use.

C. Building, Closed. See "Building, closed to unauthorized entry."

D. Building, Closed to Entry. See "Building, closed to unauthorized entry."

E. "Building, closed to unauthorized entry" means a building which meets the standards of Section 22.206.200 A4.

F. Building, Historic. "Historic building" means a building or structure which has been nominated or designated for preservation by the Seattle Landmarks Preservation Board pursuant to SMC Sections 25.12.350 through 25.12.440 or The State of Washington; has been listed, or has been determined eligible for listing on the National Register of Historical Places or on the Washington State Register of Historic Places; or is located in a landmark historic district created pursuant to SMC Chapter 25.12 and is subject to landmark controls imposed by a landmark district designating ordinance.

G. "Building service room" means a room available for the joint use of occupants of two (2) or more housing units, other than public hallways and exit passages, e.g. game rooms, laundry rooms, saunas and TV rooms.

H. Building, Vacant. See "Building, vacated."

I. Building, Vacated. "Vacated building" means a building that is unoccupied and is not used as a legal place of residence or business. At the discretion of the Director, a portion of a vacated building may be occupied if the occupied portion meets the standards for habitable buildings specified in this Code and the vacated and closed portion complies with the standards for vacant buildings in Section 22.206.200.

(Ord. 126913, § 1, 2023; Ord. 113545, § 4, 1987.)

22.204.040 - "C."

A. "Cabinets" means open shelving, curtained shelving or shelving equipped with doors.

B. "Certificate of Compliance" means a certificate issued by the Director, based upon an inspection which certifies that required corrections have been made.

C. Closed. See "Building, closed to unauthorized entry."

D. Closed to Unauthorized Entry. See "Building, closed to unauthorized entry."

E. "Court" means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by building walls.

(Ord. 115671, § 2, 1991; Ord. 113545 § 4(part), 1987.)

22.204.050 - "D."

A. "Director" means the Director of the Seattle Department of Construction and Inspections for the City of Seattle and/or the Director's designee.

B. "Dormitory" means a guest room containing two (2) or more beds.

C. "Dwelling" means any building containing two (2) or fewer dwelling units.

D. "Dwelling unit" means a building or portion of a building intended to be occupied by one (1) family and containing sleeping, eating, cooking and sanitation facilities required by this Code.

(Ord. 124919, § 77, 2015; Ord. 121276 § 18, 2003; Ord. 120087 § 2, 2000; Ord. 115671, § 3, 1991; Ord. 113545 § 4(part), 1987.)

22.204.060 - "E."

A. "Existing" means in existence prior to August 10, 1987.

B. "Exit" means a continuous and unobstructed means of egress from any place in a building, including intervening aisles, doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts, yards, or any other permitted means of egress to a street, alley or other public way.

C. "Exterior stairs on grade" means any outside stairs that are no more than eighteen inches (18") above finished grade.

(Ord. 115671, § 4, 1991; Ord. 113545 § 4(part), 1987.)

22.204.070 - "F."

A. "Family" means any number of related persons or eight (8) or fewer unrelated persons.

B. "Fire resistance" or "fire-resistive construction" means construction that resists the spread of fire, as specified in the Seattle Building Code.

(Ord. 113545 § 4(part), 1987.)

22.204.080 - "G."

A. "Garage" means a building designed, used or intended to be used for parking or storage of vehicles.

B. "Garbage" means all discarded putrescible waste matter, but not including sewage or human or animal excrement.

C. "Garbage can" means a watertight container not exceeding thirty-two (32) gallons in capacity, weighing not over twenty-six (26) pounds when empty and without cover, fitted with two (2) sturdy handles, one (1) on each side, and a tight cover equipped with a handle, or a "sunken can" or other container, as required by the Director of Seattle Public Utilities. A "sunken can" is any garbage can which is in a sunken covered receptacle specifically designed to contain one (1) or more garbage cans the tops of which are approximately at ground level.

D. "Governmental entity" means the United States Government and its agencies, The State of Washington and its agencies, counties, cities, and other political subdivisions of The State of Washington.

E. "Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

F. "Guest" means any person occupying a guest room pursuant to a rental agreement.

G. "Guest room" means a room or rooms used or intended to be used for living and sleeping purposes and which may share common bathrooms and cooking facilities.

(Ord. 118396 § 170, 1996: Ord. 117861 § 1, 1995: Ord. 113545 § 4(part), 1987.)

22.204.090 - "H"

"Habitable room" means space in a building occupied, used, designed, or intended to be used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, laundry rooms, storage or utility space, and similar areas are not habitable rooms.

"Hazard" means a condition that exposes any person to the risk of illness, bodily harm, or loss of or damage to possessions.

Historic. See "Building, historic."

"Hotel" means a building that contains six or more guest rooms and is intended for occupancy by transients.

"Housekeeping unit" means a housing unit of one or more rooms, used for living, sleeping, and cooking and sharing a common bathroom.

"Housing costs" means the compensation or fees paid or charged, usually periodically, for the use of any housing unit. For purposes of this Chapter 22.204, housing costs include rent and any periodic or monthly fees for other services such as storage and parking paid to the landlord by the tenant. Housing costs do not include utility charges that are based on usage and that the tenant has agreed in the rental agreement to pay, unless the tenant was not obligated to pay utility charges under the terms of the previous rental agreement.

"Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single room occupancy unit.

(Ord. 125054, § 4, 2016; Ord. 115671, § 5, 1991; Ord. 113545 § 4(part), 1987.)

22.204.100 - "I."

A. "Inaccessible service area" means an area which is not a habitable room, is not located within any housing unit and is not accessible to tenants or their guests but which contains electrical, mechanical or other service facilities, access to which is limited to the owner or maintenance staff. Examples of inaccessible service areas would include boiler rooms, elevator equipment rooms and similar areas.

B. "Infestation" means the presence of insects, rodents, or other pests in or around a building, in such numbers as may be detrimental to the health, safety, or general welfare of the occupants thereof.

(Ord. 115671, § 6, 1991; Ord. 113545 § 4(part), 1987.)

22.204.120 - "K."

A. "Kitchen" means a space or room used, designed or intended to be used for the preparation of food.

(Ord. 113545 § 4(part), 1987.)

22.204.130 - "L."

A. "Lawfully installed" means installed in accordance with the requirements of approved codes or ordinances of the City.

B. Lease. See "Rental agreement."

(Ord. 113545 § 4(part), 1987.)

22.204.140 - "M."

A. "Maintenance room" means a room for the maintenance of mechanical, electrical, heating and other building systems, e.g. boiler rooms, gas and electric meter rooms, elevator control rooms, and workrooms for maintenance employees, but excluding such spaces as janitors' broom closets.

(Ord. 113545 § 4(part), 1987.)

22.204.160 - "O."

A. "Occupancy" means the purpose for which a building is used or intended to be used.

B. "Occupant" means a person, over one (1) year of age, occupying or having possession of a building or any portion thereof.

C. "Occupant load" means the total number of persons that may lawfully occupy a building at one (1) time, as determined by the Seattle Building Code.

D. "Owner" means any person who, alone or with others, has title or interest in any building, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

(Ord. 113545 § 4(part), 1987.)

22.204.170 - "P."

A. "Party affected" means any owner, tenant, or other person having a direct financial interest in a building or adjacent property, or any person whose health or safety is directly affected by the condition of a building.

B. "Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

C. "Plumbing system" means any potable water distribution piping, and any drainage piping within or below any building, including rainwater leaders and all plumbing fixtures, traps, vents and devices appurtenant to such water distribution or drainage piping and including potable water treating or using equipment, and any lawn-sprinkling system.

D. "Premises" means a plot of ground, whether occupied by a structure or not.

(Ord. 117861 § 2, 1995: Ord. 113545 § 4(part), 1987.)

22.204.190 - "R."

A. "Receptacle" means an electrical contact device installed at an outlet for the connection of a single electrical attachment plug.

B. "Receptacle outlet" means an electrical outlet where one (1) or more receptacles are installed.

C. "Rental agreement" means an agreement, oral or written, relating to the use and occupancy of a building, structure or premises.

D. "Rubbish" means all discarded nonputrescible waste matter.

(Ord. 115671, § 7, 1991; Ord. 113545 § 4(part), 1987.)

22.204.200 - "S."

A. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation.

B. "Single room occupancy unit (S.R.O. unit)" means an existing housing unit with one (1) combined sleeping and living room of at least seventy (70) square feet but of not more than one hundred thirty (130) square feet. Such units may include a kitchen and a private bath.

C. "Smoke detector" means an approved device which senses the products of combustion. The device shall be approved by a testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

D. "Stairway enclosure" means the space enclosing interior stairs, landings between flights, corridors, and passageways used for direct exit to the exterior of a building, and any lobbies or other common areas that open onto such direct exits. Any space in a lobby or common area that is separated from a direct exit by a one (1) hour fire assembly shall not be considered part of a stairway enclosure.

E. "Storage room" means a room for the storage of supplies or personal belongings in a location other than an individual housing unit, but excluding such spaces as personal storage lockers.

F. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above; provided, that the top story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet (6') above grade for more than fifty (50) percent of the total perimeter, or is more than twelve feet (12') above grade for more than twenty-five feet (25') at the perimeter, then the basement or unused underfloor space shall be considered a story. Required driveways up to twenty-two feet (22') in width shall not be used in measuring the twenty-five feet (25') unless the driveway is within ten feet (10') of the twenty-five-foot (25') exemption.

G. "Structure" means anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together.

H. "Substandard building" means any building which fails to comply with the minimum standards set forth in SMC Chapter 22.206.

I. "Substantial rehabilitation" means extensive structural repair or extensive remodeling which requires a building, electrical, plumbing or mechanical permit, and which cannot be done with the tenant in occupancy.

J. "Supplied" means paid for, furnished by, provided by, or under the control of the owner of a building.

(Ord. 117942 § 1, 1995: Ord. 113545 § 4(part), 1987.)

22.204.210 - "T."

A. "Tenant" means a person occupying or holding possession of a building or premises pursuant to a rental agreement.

(Ord. 113545 § 4(part), 1987.)

22.204.220 - "U."

A. "Used" means used or designed or intended to be used.

(Ord. 113545 § 4(part), 1987.)

22.204.230 - "V."

A. Vacant. See "Building, vacated."

B. Vacated. See "Building, vacated."

C. "Vent shaft" means an open, unobstructed passage or duct used to ventilate a bathroom, toilet compartment, kitchen or utility or other service room.

(Ord. 115671, § 8, 1991; Ord. 113545 § 4(part), 1987.)

22.204.240 - "W."

A. "Window" means an exterior glazed opening, including glazed doors, which opens upon a yard, court, street, alley, or recess from a court, and glazed skylights.

(Ord. 113545 § 4(part), 1987.)

22.204.260 - "Y."

A. "Yard" means an open unoccupied space other than a court on the lot on which a building is situated, unobstructed from the ground to the sky except as specifically permitted by the Seattle Building Code.

(Ord. 113545 § 4(part), 1987.)

Chapter 22.205 - JUST CAUSE EVICTION

22.205.010 - Reasons for termination of tenancy

Pursuant to provisions of the Washington State Residential Landlord-Tenant Act (RCW 59.18.290), an owner may not evict a residential tenant without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). An owner of a housing unit shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, unless the owner can prove in court that just cause exists. Regardless of whether just cause for eviction may exist, an owner may not evict a residential tenant from a rental housing unit if: the unit is not registered with the Seattle Department of Construction and Inspections if required by Section 22.214.040; the landlord has failed to comply with subsection 7.24.030.J as required and the reason for terminating the tenancy is that the tenancy ended at the expiration of a specified term or period; or if Sections 22.205.080, 22.205.090, or 22.205.110 provide the tenant a defense to the eviction.

An owner is in compliance with the registration requirement if the rental housing unit is registered with the Seattle Department of Construction and Inspections before issuing a notice to terminate tenancy. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this Chapter 22.205:

A. The tenant fails to comply with a 14 day notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related activity nuisance pursuant to chapter 7.43 RCW), or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

B. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four or more times in a 12 month period;

C. The tenant fails to comply with a ten day notice to comply or vacate that requires compliance with a material term of the rental agreement or that requires compliance with a material obligation under chapter 59.18 RCW;

D. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten day notice to comply or vacate three or more times in a 12 month period;

E. The owner seeks possession so that the owner or a member of the owner's immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building, and the owner has given the tenant at least 90

days' advance written notice of the date the tenant's possession is to end. The Director may reduce the time required to give notice to no less than 20 days if the Director determines that delaying occupancy will result in a personal hardship to the owner or to the owner's immediate family. Personal hardship may include but is not limited to hardship caused by illness or accident, unemployment, or job relocation. For the purposes of this Chapter 22.205, "Immediate family" includes the owner's domestic partner registered pursuant to Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There is a rebuttable presumption of a violation of this subsection 22.205.010.E if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the cause for eviction;

F. The owner elects to sell a single-family dwelling unit and gives the tenant at least 90 days' written notice prior to the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month to month, with the last day of a monthly period. The Director may reduce the time required to give notice to no less than 60 days if the Director determines that providing 90 days' notice will result in a personal hardship to the owner. Personal hardship may include but is not limited to hardship caused by illness or accident, unemployment, or job relocation. For the purposes of this Chapter 22.205, an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:
    1. Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or
    2. Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;
G. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;
H. The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210 and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the

tenancy;

I. The owner (i) elects to demolish the building, convert it to a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy, or (ii) converts the building to a condominium provided the owner complies with the provisions of Sections 22.903.030 and 22.903.035;

J. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 after receipt of a notice of violation. The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1. $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the County median income, or
2. Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the County median income;

K. The owner seeks to reduce the number of individuals residing in a dwelling unit to comply with the maximum limit of individuals allowed to occupy one dwelling unit, as required by Title 23, and:

1. a. The number of such individuals was more than is lawful under the current version of Title 23 but was lawful under Title 23 or Title 24 on August 10, 1994;

   b. That number has not increased with the knowledge or consent of the owner at any time after August 10, 1994; and

   c. The owner is either unwilling or unable to obtain a permit to allow the unit with that number of residents.

2. The owner has served the tenants with a 30 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit,
3. After expiration of the 30 day notice, the owner has served the tenants with and the tenants have failed to comply with a ten day notice to comply with the limit on the number of occupants or vacate, and
4. If there is more than one rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the owner's option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;

L. 1.

The owner seeks to reduce the number of individuals who reside in one dwelling unit to comply with the legal limit after receipt of a notice of violation of the Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:

a. The owner has served the tenants with a 30 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit; provided that no 30 day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner;

b. After expiration of the 30 day notice required by subsection 22.205.010.L.1.a, or at any time after receipt of the notice of violation if no 30 day notice is required pursuant to subsection 22.205.010.L.1.a, the owner has served the tenants with and the tenants have failed to comply with a ten day notice to comply with the maximum legal limit on the number of occupants or vacate; and

c. If there is more than one rental agreement for the unit, the owner may choose which agreements to terminate; provided that the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit.

2. For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

a. $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

b. Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

M. The owner seeks to discontinue use of a legally established accessory dwelling unit for which a permit has been obtained pursuant to Title 23 after receipt of a notice of violation of the development standards provided in those sections. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1. $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

2. Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

N.

An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to Section 22.206.260 and the emergency conditions identified in the order have not been corrected;

O. The owner seeks to discontinue sharing with a tenant of the owner's own housing unit, i.e., the unit in which the owner resides, seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to Title 23 that is accessory to the housing unit in which the owner resides, or seeks to terminate the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory dwelling unit on the same lot. This subsection 22.205.010.O does not apply if the owner has received a notice of violation of the development standards of Title 23. If the owner has received such a notice of violation, subsection 22.205.010.M applies;

P. A tenant, or with the consent of the tenant, the tenant's subtenant, sublessee, resident, or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Seattle Department of Construction and Inspections has recorded receipt of a copy of the notice of termination. For purposes of this subsection 22.205.010.P, a person has "engaged in criminal activity" if the person:

1. Engages in drug-related activity that would constitute a violation of chapters 69.41, 69.50, or 69.52 RCW, or
2. Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.

([Renumbered from 22.206.160.C.1]; Ord. 127211, § 1, 2025; Ord. 126075, § 2, 2020; Ord. 126041, § 1, 2020; Ord. 125954, § 1, 2019; Ord. 125901, § 4, 2019; Ord. 125343, § 11, 2017 [style update]; Ord. 124919, § 78, 2015 [department name change and other cleanup]; Ord. 124862, § 1, 2015; Ord. 124738, § 1, 2015; Ord. 123564, § 3, 2011 [cleanup]; Ord. 123141, § 1, 2009; Ord. 122728, § 1, 2008; Ord. 121408, § 1, 2004; Ord. 121276, § 19, 2003 [department name change]; Ord. 119617, § 1, 1999 [cross-reference and department name update]; Ord. 118441, § 2, 1996; Ord. 117942, § 2, 1995; Ord. 117570, § 2, 1995 [removing reference to Title 24]; Ord. 115877, § 1, 1991; Ord. 115671, § 17, 1991; Ord. 114834, § 2, 1989; Ord. 113545, § 5, 1987.)

22.205.020 - Waivers

Any rental agreement provision which waives or purports to waive any right, benefit or entitlement created by this Chapter 22.205 shall be deemed void and of no lawful force or effect.

([Renumbered from 22.206.160.C.2]; Ord. 125343, § 11, 2017 [cross-reference update]; Ord. 123564, § 3, 2011 [cross-reference update]; Ord. 113545, § 5, 1987.)

22.205.030 - Termination notices in writing

With any termination notices required by law, owners terminating any tenancy protected by this Chapter 22.205 shall advise the affected tenant or tenants in writing of the reasons for the termination and the facts in support of those reasons.

([Renumbered from 22.206.160.C.3]; Ord. 124919, § 78, 2015 [style update]; Ord. 123564, § 3, 2011 [style update]; Ord. 117570, § 2, 1995 [style update]; Ord. 113545, § 5, 1987.)

22.205.040 - Owner's intent to carry out stated reason for eviction

If a tenant who has received a notice of termination of tenancy claiming subsection 22.205.010.E, 22.205.010.F, or 22.205.010.M as the ground for termination believes that the owner does not intend to carry out the stated reason for eviction and makes a complaint to the Director, then the owner must, within ten days of being notified by the Director of the complaint, complete and file with the Director a certification stating the owner's intent to carry out the stated reason for the eviction. The failure of the owner to complete and file such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction action based on this ground.

([Renumbered from 22.206.160.C.4]; Ord. 124919, § 78, 2015 [style update]; Ord. 123564, § 3, 2011 [style update]; Ord. 117942, § 2, 1995.)

22.205.050 - Defense related to lack of just cause

In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no just cause for such eviction or termination as provided in this Chapter 22.205.

([Renumbered from 22.206.160.C.5]; Ord. 124919, § 78, 2015 [style update]; Ord. 123564, § 3, 2011 [style update]; Ord. 118441, § 2, 1996; Ord. 115877, § 1, 1991; Ord. 114834, § 2, 1989; Ord. 113545, § 5, 1987.)

22.205.060 - Owner's failure to carry out stated reason for eviction

It shall be a violation of this Chapter 22.205 for any owner to evict or attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any tenant using a notice that references subsections 22.205.010.E, 22.205.010.F, 22.205.010.H, 22.205.010.K, 22.205.010.L, or 22.205.010.M as grounds for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy.

([Renumbered from 22.206.160.C.6]; Ord. 126041, § 1, 2020 [grammar correction]; Ord. 124919, § 78, 2015 [style update]; Ord. 123564, § 3, 2011 [style update]; Ord. 117570, § 2, 1995 [style update]; Ord. 115671, § 17, 1991.)

22.205.070 - Damages for certain failures to carry out stated reason for eviction

An owner who evicts or attempts to evict a tenant or who terminates or attempts to terminate the tenancy of a tenant using a notice which references subsections 22.205.010.E, 22.205.010.F or 22.205.010.H as the ground for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy shall be liable to such tenant in a private right for action for damages up to $2,000, costs of suit, or arbitration and reasonable attorney's fees.

([Renumbered from 22.206.160.C.7]; Ord. 124919, § 78, 2015 [style update]; Ord. 123564, § 3, 2011 [style update]; Ord. 117942, § 2, 1995.)

22.205.080 - Defense related to certain evictions that would result in vacating between December 1 and March 1

Except as provided in subsection 22.205.080.D, it is a defense to eviction if:

A. The eviction would result in the tenant having to vacate the housing unit at any time between December 1 and March 1; and

B. The tenant household is a moderate-income household as defined in Section 23.84A.016; and

C. The housing unit that the tenant would have to vacate is owned by a person who owns more than four rental housing units in The City of Seattle. For purposes of this subsection 22.205.080.C, "owns" includes having an ownership interest in the housing units.

D. If the reason for termination of the tenancy is due to conditions described in subsections 22.205.010.E, 22.205.010.F provided that the tenant was provided at least 90 days' written notice prior to the date set for vacating the unit, 22.205.010.J, 22.205.010.K, 22.205.010.L, 22.205.010.M, 22.205.010.N, 22.205.010.O, or 22.205.010.P, or if the reason for termination is due to the tenant's failure to comply with a three day or ten day notice to vacate for a drug-related activity nuisance pursuant to chapter 7.43 RCW or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5) or because the tenant's conduct has a substantial detrimental impact on, or constitutes an imminent threat to, the health or safety of other tenants in the rental building or the owner, the eviction may occur as otherwise allowed by law.

E. A rent mitigation fund is created to provide funds to eligible low-income tenant households at risk of residential eviction during the period described in this Section 22.205.080, if other sources of funds are not available to assist the tenant, or to provide financial assistance to a non-profit corporation or other housing provider that cannot evict a tenant from a rental housing unit during the period described in this Section 22.205.080 because the unit is subject to restrictions on tenant incomes or rent as a condition of that assistance.

1.

Tenant eligibility. To be eligible to receive funds, (1) the reason for termination must include nonpayment of rent; and (2) the tenant household must be a low-income household as defined in Section 23.84A.016; and (3) the tenant must demonstrate that the tenant does not have the financial resources to avoid eviction; and (4) the tenant must request mitigation funds on or before the date a writ of restitution is executed.

2. Housing provider eligibility. To be eligible to receive funds the housing provider shall (1) demonstrate that an eviction was delayed during this period because the tenant raised the defense described in this Section 22.205.080; and (2) demonstrate that the tenant does not have financial resources available to pay rent during the period described in this Section 22.205.080; and (3) demonstrate that the tenant resides in a unit that is subject to restrictions on tenant incomes or rent; and (4) sign an agreement stating that the housing provider will not report the tenant's delinquency on rent payment to credit reporting agencies.
3. The Director shall have rulemaking authority to administer the fund. This authority includes the ability to have the fund administered by a public or private organization having experience administering or capable of administering similar tenant assistance programs. If by rule the Director determines that payments shall be made directly to a landlord, the landlord shall sign an agreement with the Director prior to payment stating that the landlord will not report the tenant's delinquent rent payment to credit reporting agencies.
4. The availability of funds is subject to the existence of budget appropriations for that purpose. A request for funding shall be denied if insufficient funds are available. The City is not civilly or criminally liable for failure to provide funding and no penalty or cause of action may be brought against the City resulting from the provision or lack of provision of funds.
5. When a landlord issues a notice to terminate tenancy due to nonpayment of rent, the notice must contain information to the tenant about how to access the tenant mitigation fund. The landlord is not required to provide this information if insufficient funds have been appropriated by the City Council to provide the funds for mitigation. The information for the notice shall be adopted by the Seattle Department of Construction and Inspections by rule.

([Renumbered from 22.206.160.C.8]; Ord. 126041, § 1, 2020.)

22.205.090 - Defense related to 2020 eviction moratorium

A. Subject to the requirements of subsection 22.205.090.B, it is a defense to eviction if the eviction would result in the tenant having to vacate the housing unit within six months after the termination of the Mayor's eviction moratorium, and if the reason for terminating the tenancy is:

1. The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW 59.12.030(3) for rent due during, or within six months after the termination of, the Mayor's residential eviction moratorium; or
2. The tenant habitually fails to pay rent resulting in four or more pay-or-vacate notices in a 12-month period.

For purposes of this Section 22.205.090, "termination of the Mayor's residential eviction moratorium" means termination of subsection 1.C (creating a defense to a pending eviction action) of the moratorium on residential evictions ordered by the Mayor's civil emergency order, as amended by the Council in Resolution 31938 on March 16, 2020.

B. The tenant may invoke the defense provided in subsection 22.205.090.A only if the tenant demonstrates that the tenant has suffered a financial hardship and is therefore unable to pay rent. The tenant's submission of a declaration or self-certification that the tenant has suffered a financial hardship and is therefore unable to pay rent creates a presumption to that effect, which the landlord may rebut.

C. If a landlord issues a notice to terminate a tenancy due to a reason listed in subsections 22.205.090.A.1-2, and if the landlord issues that notice within six months after the termination of the Mayor's residential eviction moratorium, the notice must contain the following statement: "If you cannot pay rent, during or within 6 months after the end of the Mayor's moratorium on evictions, your inability to pay is a defense to eviction that you may raise in court." It is a defense to eviction if the notice does not contain that statement.

D. An award of attorneys' fees and statutory court costs to a landlord arising from an eviction proceeding arising from a notice to terminate a tenancy due to a reason listed in subsections 22.205.090.A.1-2 is prohibited unless otherwise allowed by law.

(Ord. 126593, § 1, 2022; [Renumbered from 22.206.160.C.9]; Ord. 126075, § 2, 2020.)

22.205.100 - Defense related to financial hardship in 2020 civil emergency

A. Subject to the requirements of subsection 22.205.100.B, it is a defense to eviction if the tenant fails to pay rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, the tenant has suffered a financial hardship during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, and the reason for terminating the tenancy is:

1. The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW 59.12.030(3) for rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020; or
2. The tenant habitually fails to pay rent resulting in four or more pay-or-vacate notices in a 12-month period.

B. The tenant may invoke the defense provided in subsection 22.205.100.A only if the tenant demonstrates that the tenant has suffered a financial hardship and is therefore unable to pay rent. The tenant's submission of a declaration or self-certification that the tenant has suffered a financial hardship and was therefore unable to pay rent during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, creates a presumption to that effect, which the landlord may rebut.

C. If a landlord issues a notice to terminate a tenancy due to a reason listed in subsection 22.205.100.A.1 or subsection 22.205.100.A.2, and if the notice is based on a failure to pay rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, the notice must contain the following statement: "If you cannot pay rent due during the civil emergency proclaimed by Mayor Durkan on March 3, 2020, your inability to pay is a defense to eviction that you may raise in court." It is a defense to eviction if the notice does not contain that statement.

(Ord. 126593, § 2, 2022; [Renumbered from 22.206.160.C.10]; Ord. 126368, § 1, 2021.)

22.205.110 - Defense related to certain vacating during school year

A. Except as provided in subsection 22.205.110.B, it is a defense to eviction if:

1. The eviction would result in the tenant having to vacate the housing unit during the school year; and
2. The tenant is any of the following:
   a. A child or student; or
   b. A person having legal custody of a child or student, including but not limited to the child's or student's parent, step-parent, adoptive parent, guardian, foster parent, or custodian; or
   c. An educator.

B. The eviction may occur as otherwise allowed by law if the reason for terminating the tenancy is due to: conditions described in subsections 22.205.010.E, 22.205.010.J, 22.205.010.K, 22.205.010.L, 22.205.010.M, 22.205.010.N, 22.205.010.O, or 22.205.010.P; the tenant's failure to comply with a three day notice to vacate for a drug-related activity nuisance pursuant to chapter 7.43 RCW; or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5).

C. For purposes of this Section 22.205.110:

1. "Child or student" means any person either under the age of 18 years or currently enrolled in a school.
2. "Educator" means any person who works at a school in Seattle as an employee or independent contractor of the school or its governing body, including but not limited to all teachers, substitute teachers, paraprofessionals, substitute paraprofessionals, administrators,

administrative staff, counselors, social workers, psychologists, school nurses, speech pathologists, custodians, cafeteria workers, and maintenance workers.

3. "School" means any child care, early childhood education and assistance program, or head start facility, and any public, private, or parochial institution that provides educational instruction in any or all of the grades and age groups up to and including twelfth grade.
4. "School year" means the period from (and including) the first day of the academic year to the last day of the academic year, as set by Seattle School District No. 1, or its successor, on its calendar for first through twelfth grade students. If for those grades there are multiple dates for the first day or last day of the academic year, the earliest and latest dates, respectively, shall define the period.

([Renumbered from 22.206.160.C.11]; Ord. 126369, § 1, 2021.)

22.205.120 - Rescission of certain tenancies

If a tenant has agreed to terminate a tenancy, including but not limited to termination within a rental agreement or in a separate termination agreement, the tenant may rescind that agreement to terminate a tenancy:

A. Within ten business days after signing the agreement by delivering written notice of rescission to the landlord, unless subsection 22.205.120.C applies; or
B. More than ten business days after signing the agreement by delivering written notice of rescission to the landlord if the tenant signed the agreement: without representation by an attorney or other tenant advocate; or outside of a proceeding mediated by a neutral third party.
C. Nothing in this Section 22.205.120 shall be interpreted or applied so as to create any power or duty in conflict with federal law. In the event of any conflict, federal requirements shall supersede the requirements of this Section 22.205.120.

([Renumbered from 22.206.160.C.12]; Ord. 126370, § 1, 2021.)

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:
*--- (**1**) ---*
***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 openable 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.)

Subchapter V - Minimum Security Standards

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 Section 10.07.010.

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 Al 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)

Chapter 22.208 - BUILDINGS UNFIT FOR HUMAN HABITATION OR OTHER USE

22.208.010 - Conditions for declaring a building or premises unfit for human habitation or other use.

Any building, structure, or the premises or portions thereof, in or on which any of the following conditions exist to the extent that the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public is endangered, is declared to be unfit for human habitation or other use:

A. Structural members that are of insufficient size or strength to safely carry imposed loads, including, but not limited to, the following:
    1. Footings or foundations that are weakened, damaged, decayed, deteriorated, insecure or missing,
    2. Flooring or floor supports that are damaged, defective, deteriorated, decayed or missing,
    3. Walls or partitions that are split or that lean, are decayed, buckled, damaged or missing,
    4. Vertical or lateral supports that are damaged, defective, deteriorated, loose, decayed or missing,
    5. Ceilings or roofs or their supports that sag, buckle, or are split, decayed or missing, and

6. Fireplaces or chimneys that bulge, settle, or have masonry or mortar which is loose, broken, or missing;

B. Inadequate protection to the extent that occupants are exposed to the weather, including but not limited to the following:
   1. Crumbling, broken, loose, or missing interior wall or ceiling covering,
   2. Broken or missing doors, windows, door frames or window sashes,
   3. Ineffective or inadequate waterproofing of foundations or floors, and
   4. Deteriorated, buckled, broken, decayed or missing exterior wall or roof covering;

C. Inadequate sanitation to the extent that occupants or the general public are directly exposed to the risk of illness or injury, including but not limited to:
   1. Lack of, or inadequate number of toilets, lavatories, bathtubs, showers, or kitchen sinks,
   2. Defective or unsanitary plumbing or plumbing fixtures,
   3. Lack of running water connections to plumbing fixtures or lack of an approved water service,
   4. Defective or unsanitary kitchen countertops or cabinets,
   5. Lack of connection to an approved sewage disposal system,
   6. Inadequate drainage,
   7. Infestation by insects, vermin, rodents, or other pests, and
   8. Accumulation of garbage and rubbish;

D. Inadequate light, heat, ventilation, or defective equipment, including but not limited to:
   1. Defective, deteriorated, hazardous, inadequate or missing electrical wiring, electrical service, or electrical equipment, and
   2. Defective, hazardous, or improperly installed ventilating equipment or systems,
   3. Lack of an approved, permanently installed, functioning heating facility and an approved power or fuel supply system that is capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65(F.), measured at a point three feet (3') above the floor in all habitable rooms, baths, and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24°F.) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24°F.), the heating facilities must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58°F.), measured at a point three feet (3') above the floor, in all habitable rooms, baths, and toilet rooms;

E.

Defective or inadequate exits, including, but not limited to exits that are unsafe, improperly located, or less than the required minimum number or dimensions as defined by Section 22.206.130;

F. Conditions that create a health, fire or safety hazard, including, but not limited to:

1. Accumulation of junk, debris, or combustible materials,
2. Any building or device, apparatus, equipment, waste, vegetation, or other material in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or intensity of fire or explosion, and
3. To the extent that it endangers or may endanger the occupants of the building, the occupants of neighboring buildings or the public, the presence of friable asbestos or the storage of toxic or hazardous materials.

(Ord. 117861 § 4, 1995: Ord. 116420, § 1, 1992; Ord. 113545 § 6(part), 1987.)

22.208.020 - Standards for demolition, repair, or vacation and closure

A. Whenever the Director determines, according to the procedures established in Section 22.208.030 of this Code, that all or any portion of a building and/or premises is unfit for human habitation or other use, the Director shall order that the unfit building and/or premises or unfit portion of the building or premises be:

1. Repaired, or demolished and removed, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use is more than 50 percent of the replacement value of a building or structure of similar size, design, type, and quality, provided that the Director may order a building or structure, for which the estimated cost of such repairs is 50 percent or less than such replacement value, to be repaired, or demolished and removed, if the degree of structural deterioration is as described in subsection 22.208.010.A, 22.208.010.D or 22.208.010.E, and the owner has failed three or more times in the last five years to correct the conditions by compliance dates as ordered by the Director;
2. Demolished and removed, at the owner's expense, if the building has been the subject of an emergency order to close pursuant to Section 22.206.260, and the building has also been subject to two or more unauthorized entries in the preceding 12 months, and the Director has received written notice from the Seattle Fire Department or the Seattle Police Department that the building presents a danger to the general public or to City staff who might be required to enter the building;
3. Repaired, and/or vacated and closed according to the minimum standards for vacant buildings in Section 22.206.200 of this Code, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use is 50

percent or less than the replacement value of a building or structure of similar size, design, type, and quality; or

4. Corrected or improved as specified in the Order of the Director as to the conditions that caused the premises other than buildings and structures to be unfit.

Nothing in this section shall limit the authority of the City to condemn and resell property pursuant to chapter 35.80A RCW.

B. In estimating the replacement value of an unfit building or structure, the Director shall use the Square Foot Cost Estimating Method set forth in the "Residential Cost Handbook," Marshall and Swift, latest available edition, or a cost estimating publication that the Director deems comparable.

C. In estimating the cost of repairs, the Director shall apply the following standards:

1. Only the conditions causing the building, structure or portion thereof to be unfit for human habitation or other use shall be included in the cost estimate;
2. All repair costs shall be based on estimates calculated from the "Home-Tech Remodeling and Renovation Cost Estimator," latest available edition, or a cost estimating publication that the Director deems comparable;
3. Repair estimates shall assume that all work will comply with the requirements of the current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in effect in The City of Seattle;
4. If the extent of damage to a portion of a building or structure cannot be ascertained from visual inspection, the Director shall assume that the relative extent of damage or deterioration identified in the observable portion of the building exists in the unobserved portions; and
5. Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials as originally used in the structure. If the building or structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the materials identified under the applicable building quality classification in the Square Foot Cost Estimating Method in the "Residential Cost Handbook" by Marshall and Swift.

D. If the Director finds that any of the following conditions exist, the Director shall order that such conditions be eliminated and that the building be closed within a time specified:

1. The condition or conditions which cause the building or premises to be unsafe or unfit for human habitation create a hazard to the public health, safety, or welfare that would exist even if the building were vacated and closed to entry; or
2.

Building appendages, as defined in the Seattle Existing Building Code, are in a deteriorated condition or are otherwise unable to sustain the design loads specified; or

3. Part of the building or premises or equipment intended to assist in extinguishing a fire, to prevent the origin or spread of fire, or to safeguard life or property from fire is in an unsafe or unusable condition.

(Ord. 126278, § 18, 2021 [cross-reference correction]; Ord. 125399, § 2, 2017; Ord. 117861, § 5, 1995; Ord. 116420, § 2, 1992; Ord. 113545, § 6, 1987.)

22.208.030 - Investigation, notice and hearing.

A. The Director may investigate any building or premises which the Director believes to be unfit for human habitation or other use. If the investigation reveals conditions that make the building or premises unfit for human habitation or other use, the Director shall:
   1. Issue a complaint stating the conditions that make the building or premises unfit for human habitation or other use; and
   2. Serve the complaint by personal service or certified mail with return receipt requested, upon all persons who appear on a litigation guarantee from a licensed title insurance company as having any ownership interest in the building or premises; and
   3. Post the complaint in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

B. No complaint shall be issued if a permit has been issued for all repairs, alterations, and improvements required to make the building or premises fit for human habitation or other use, and the repair work, in the Director's opinion, is progressing at a satisfactory rate.

C. If the address of the persons appearing on the litigation guarantee identified in subsection A cannot be ascertained by the Director after a reasonable search, then the Director shall make affidavit to that effect, and the complaint shall be served either by personal service or by mailing a copy of the complaint by first class mail and certified mail, postage prepaid, return receipt requested, to the address appearing on the last equalized tax assessment roll of the County Assessor and to any other address known to the County Assessor. A copy of the complaint shall also be mailed to each person whose address cannot be ascertained, to the address of the building or premises involved in the proceedings. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to all housing and commercial rental units in the building or on the premises a copy of the complaint.

D. The complaint shall state that a hearing will be held before the Director at a specified time and place, not less than ten (10) days nor more than thirty (30) days after service of the complaint; and that all persons having any interest therein shall have the right to file an answer to the complaint, and to appear in person or by representative and to give testimony at the time and place fixed in

the complaint. At the hearing, the Director shall have the authority to administer oaths and affirmations, examine witnesses and receive evidence. The rules of evidence shall not apply in hearings before the Director.

E. A copy of the complaint shall be filed with the King County Department of Records and Elections.

(Ord. 122397, § 10, 2007; Ord. 117861 § 6, 1995: Ord. 116420, § 3, 1992; Ord. 113545 § 6(part), 1987.)

22.208.040 - Determination and order of Director after hearing.

A. If, after the hearing provided for in Section 22.208.030, the Director determines that a building or premises is unfit for human habitation or other use pursuant to Section 22.208.010, the Director shall further determine, using the standards set forth in Section 22.208.020, whether the building should be:

1. Repaired, altered or improved;
2. Vacated and closed; or
3. Demolished and removed, and/or

whether the premises and the conditions that cause it to be unfit should be corrected or improved. The Director shall issue a written order requiring that the building or premises be made fit for human habitation or other use. The order shall state the facts in support of the decision and a specific date for correction. The Director shall serve the order upon all parties served with a copy of the complaint, in the manner provided in Section 22.208.030. The order shall require that:

1. The building be:
   a. Vacated and closed; and/or either
   b. Repaired, altered or improved, or
   c. Demolished and removed, and/or
2. The premises and the conditions that cause it to be unfit should be corrected and improved.

B. 1. If a building is to be demolished and removed by the owner or other parties in interest they shall obtain an asbestos survey and make the same available to the Director.

2. If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to Section 22.208.100 the owner shall either obtain an asbestos survey and make the same available to the Director or allow the Director access to the structure so that the Director may obtain an asbestos survey.

C. When calculating the time for compliance under subsection A, the Director shall consider:

1. The type of hazard, the nature and immediacy of the threat to the public health and safety, and the blight created by the conditions of the premises;
2.

A demonstrated intent by a responsible party to repair, demolish or vacate and close the building or to correct or improve the condition of the premises by:

a. Entering into a contract with a licensed contractor to perform the required work within a specific time and for a reasonable compensation,

b. Depositing cash in a segregated account in an amount sufficient to complete the required repairs,

c. Securing a loan from an established lending institution that will provide sufficient funds to complete the required repairs, or

d. Securing a permit to perform the required work and paying the required permit fees;

3. The length of time required to obtain permits needed to complete the repairs;

4. The complexity of the repairs, seasonal considerations, construction requirements and the legal rights of tenants; and

5. Circumstances beyond the control of the responsible person.

D. If no appeal is filed, a copy of the order shall be filed with the King County Department of Records and Elections.

(Ord. 117861 § 7, 1995: Ord. 116420, § 4, 1992; Ord. 113545 § 6(part), 1987.)

22.208.050 - Appeal from order of Director

A. Any party affected by any order of the Director under this chapter shall have the right to appeal the order of the Director to the Hearing Examiner. Notice of the right to appeal shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

B. The appeal shall:

1. Be filed with the Hearing Examiner no more than ten days after service of the Director's order;

2. Be in writing and state clearly and concisely the specific objections to the Director's order;

3. State the ownership or other interest that each appellant has in the building, premises, or portion thereof involved in the order of the Director;

4. State briefly the remedy sought; and

5. Include the signatures of all appellants and their mailing and electronic addresses.

C. The Hearing Examiner shall set a date for the hearing and provide no less than 20 days' written notice of the hearing to the parties. Notice of the appeal and hearing shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way.

D.

The appeal hearing shall be conducted pursuant to the contested case provisions of Chapter 3.02. The Hearing Examiner is authorized to promulgate procedural rules for the appeal hearing pursuant to Chapter 3.02.

E. The appeal hearing shall be de novo. The Director's decision shall be affirmed unless the Hearing Examiner finds such decision to be arbitrary and capricious.

F. The Hearing Examiner shall have the authority to affirm, modify, or reverse the order of the Director, or remand the case to the Director for further proceedings. The Hearing Examiner shall summarily dismiss an appeal which is determined on its face to be without merit, frivolous, or brought merely for the purpose of delay.

G. Within 14 days after the hearing the Hearing Examiner shall issue a written decision containing findings of fact and conclusions and shall provide copies of the decision to the parties of record. The decision of the Hearing Examiner shall be the final decision of the City and shall have the same effect as a decision of the Director issued pursuant to Section 22.206.235. The decision and order of the Hearing Examiner shall be filed by the Director with the King County Recorder.

(Ord. 123899, § 20, 2012; Ord. 122397, § 11, 2007; Ord. 117861 § 8, 1995: Ord. 113545 § 6(part), 1987.)

22.208.060 - Petition to Superior Court.

Any person who has standing to file a land use petition in the Superior Court of King County may file such a petition within twenty-one (21) days of issuance of the Hearing Examiner's decision pursuant to Section 22.208.050, as provided by Section 705 of Chapter 347 of the Laws of 1995.

(Ord. 117789 § 1, 1995: Ord. 113545 § 6(part), 1987.)

22.208.070 - Extension of compliance date.

An extension of time for compliance with an order may be granted by the Director upon receipt of a written request filed with the Director by any party affected by the order not later than seven (7) days prior to the date set for compliance in the order. Any extension granted shall be in writing, and shall be posted in a place on the property conspicuous to persons entering the structure and if practical conspicuous from an abutting public right-of-way. Extensions shall not be subject to appeal. The Director may, without a written request, grant an extension of time if in the Director's opinion such an extension is warranted.

(Ord. 117861 § 9, 1995: Ord. 113545 § 6(part), 1987.)

22.208.080 - Certificate of compliance.

A. Compliance with an order issued pursuant to this Chapter 22.208 shall be the responsibility of each person named as a responsible party in the order. An owner or responsible party shall request a reinspection from the Director following correction of the conditions set forth in the

order. If the Director finds that the repairs, alterations, corrections or other actions required by the order have been performed in compliance with the standards in this Code, the Director shall issue a certificate of compliance certifying that, as of the date it is issued, the violations cited in the order have been corrected.

B. On issuance of a certificate of compliance, the Director certifies only that the violations listed in the complaint, order or decision have been corrected as required by this Code. The Director makes no representation concerning other conditions in the building or any equipment therein, or of the premises, that is not listed in the complaint, order or decision. The Director shall not be responsible for any injury, damage, death or other loss of any kind sustained by any person, organization, or corporation arising out of any condition of the building, structure, equipment, or premises.

(Ord. 117861 § 10, 1995: Ord. 116420, § 5, 1992; Ord. 113545 § 6(part), 1987.)

22.208.090 - Reinspection of vacant buildings

When a building is vacant and has been closed to entry pursuant to an order of the Director issued pursuant to this Chapter 22.208, the Director shall reinspect the building monthly pursuant to subsection 22.206.200.F to verify that the building and structures accessory to the building remain vacant and closed to entry and meet the minimum standards for vacant buildings set forth in this Code, and to determine the extent to which the building has deteriorated. The owner shall be charged an inspection fee for the inspections. Inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (Chapters 22.901A through 22.901H).

(Ord. 125727, § 2, 2019; Ord. 117861 § 11, 1995: Ord. 116420, § 6, 1992; Ord. 113545 § 6(part), 1987.)

22.208.100 - Enforcement of the order of the Director.

A. If the person served with an order fails to comply with the order, the Director, by such means and with such assistance as may be available, is hereby authorized and directed to cause the building to be:

1. Repaired, altered or improved; or
2. Vacated and closed; or
3. Demolished and removed; or
4. To cause the premises and the conditions that cause it to be unfit to be corrected or improved, and the costs thereof shall be recovered by the City in the manner provided in Section 22.208.110.

B.

If an owner fails to comply with an order and the Director elects to demolish and remove a building pursuant to subsection A, the owner shall either obtain an asbestos survey and make the same available to the Director, or allow the Director access to the building so that the Director may obtain an asbestos survey.

(Ord. 117861 § 12, 1995: Ord. 116420, § 7, 1992; Ord. 113545 § 6(part), 1987.)

22.208.110 - Recovery of costs.

A. If the costs incurred by the Director pursuant to Section 22.208.100 for repairs, alterations or improvements, or of vacating and closing, or of demolition and removal are not paid after a written demand upon the owner and other persons named as responsible parties in the complaint, such costs shall be assessed against the property for which the costs were incurred in the manner provided below.

B. If the building is removed or demolished by the Director, the Director shall, if possible, sell the salvageable materials from the building and shall apply the proceeds of the sale to the reimbursement of the costs of demolition and removal. Any funds remaining shall be paid to the owner.

C. After notice to the owner and other persons with an ownership interest as shown on the litigation guarantee that all or a portion of the costs have not been paid, the Director shall notify the Director of Finance and Administrative Services of the amount due and owing, and upon receipt of the notification the Director of Finance and Administrative Services shall certify the amount to King County for assessment.

D. Upon certification by the Director of Finance and Administrative Services of the amount due and owing, King County shall enter the amount of the assessment upon the tax rolls against the real property for the current year to be collected at the same time as the general taxes and with interest at the rates and in the manner provided in RCW 84.56.020 for delinquent taxes. When collected, it shall be deposited in the General Fund of the City and credited to the Housing and Abatement Account provided in Section 22.202.050.

E. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

(Ord. 123361, § 378, 2010; Ord. 120794 § 289, 2002; Ord. 117861 § 13, 1995; Ord. 117242, § 25, 1994; Ord. 116420 § 8, 1992; Ord. 116368, § 293, 1992; Ord. 113545 § 6(part), 1987.)

22.208.120 - Occupying or renting building or premises unfit for habitation—Termination of utilities

A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building or premises found to be unfit for human habitation or other use from and after the date specified in a Director's order to repair, alter, or improve, vacate and close, or demolish and

remove a building or correct or improve the condition of the premises until the Director has certified that the building or premises is fit for human habitation or other use.

B. The Director may, by written notice directed to the owner and to the Director of Seattle Public Utilities, General Manager and Chief Executive Officer of City Light, or to Puget Sound Energy, request that service of water, electricity or gas to the building or premises be terminated or disconnected on or before a specified date. Upon receipt of such notice the Director of Seattle Public Utilities, General Manager and Chief Executive Officer of City Light, or Puget Sound Energy is authorized to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a certificate of compliance in accordance with Section 22.208.080, or upon written notification by the Director that water, electricity or gas service should be restored.

C. It is 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 authorized representatives, to restore any water, electricity, or gas service that has been terminated or disconnected by notice from the Director.

(Ord. 124167, § 20, 2013 [department head name change]; Ord. 118396, § 172, 1996 [department head name change]; Ord. 116420, § 9, 1992; Ord. 113545, § 6(part), 1987.)

22.208.130 - Removing posted notices.

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

(Ord. 113545 § 6(part), 1987.)

22.208.140 - Violations.

A. Any failure or refusal to obey an order of the Director or Hearing Examiner or any failure to comply with the requirements or standards of this Code 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 correct any violation, or attempt to comply with an order of the Director issued pursuant to this Chapter 22.208.

(Ord. 113545 § 6(part), 1987.)

22.208.150 - Civil enforcement proceedings and penalties.

A. In addition to any other remedy authorized by law or equity, any person failing to comply with an order issued by the Director or Hearing Examiner pursuant to this Chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars ($500) per day from the

date set for compliance until the owner or a responsible party requests a reinspection and the Director verifies following reinspection that the property is in compliance.

B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the amount of Five Hundred Dollars ($500).

C. 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 enforcement action.

D. Once a civil penalty has been established by judgment, and that judgment certified to Superior Court, the judgment may be satisfied, if approved by the Director and at the discretion of the Director, by payment of one-third (⅓) of the total judgment accompanied by an agreement by which the property is permitted to be used for a period of up to three (3) years for a City approved program for job training or temporary housing purposes, that results in correction of the violation. This provision shall not be construed to limit or otherwise affect the authority of the Director or City Attorney to negotiate a satisfaction of judgments on other terms as dictated by the circumstances.

(Ord. 122397, § 12, 2007; Ord. 117861 § 14, 1995: Ord. 113545 § 6(part), 1987.)

22.208.160 - Alternative criminal penalty.

A. Any person who violates or fails to comply with any of the requirements of this Chapter 22.208 and who has had an Order of Judgment entered against them by a court of competent jurisdiction 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 a violation of this title continues and each occurrence of a prohibited activity shall be deemed and considered a separate offense.

(Ord. 122397, § 13, 2007; Ord. 117861 § 15, 1995: Ord. 113545 § 6(part), 1987.)

Chapter 22.210 - TENANT RELOCATION ASSISTANCE

22.210.010 - Short title

This Chapter 22.210 shall be known and may be cited as the "Tenant Relocation Assistance Ordinance."

(Ord. 115141, § 1(part), 1990.)

22.210.020 - Findings and purpose

A. Findings

1. The City of Seattle is experiencing a rapid rate of development that has reduced and continues to reduce the supply of rental housing available to low-and moderate-income tenants and has reduced the supply of rental housing affordable to such tenants.
2. The development and real estate market in Seattle has not been able to replace low-income units lost due to demolition, change of use, substantial rehabilitation, and removal of rent or income restrictions from assisted housing, making it more difficult and more costly for low-income persons who are displaced by demolition, change of use, substantial rehabilitation, or removal of rent or income restrictions to locate affordable substitute rental housing.
3. Rents in Seattle have been increasing rapidly and vacancies in rental housing are at low levels, making it increasingly difficult for tenants, especially those with low incomes, to locate affordable rental housing.
4. Pursuant to the public hearing held on June 7, 1990, the City Council finds that costs incurred by tenants to relocate within Seattle include actual physical moving costs, advance payments, utility fees, security and damage deposits and anticipated additional rent and utility costs, which, on average, equal or exceed $2,000 per tenant household.
5. The State of Washington has adopted legislation authorizing local jurisdictions to require the payment of relocation assistance to low-income tenants who are displaced from dwelling units by housing demolition, change of use, substantial rehabilitation, or removal of rent or income restrictions.
6. Conditions in the current rental market have created a relocation crisis, because tenants, especially low-income tenants, do not have sufficient time to save money for relocation costs or to find comparable housing when they are evicted as a result of demolition, change of use, substantial rehabilitation, or removal of rent or income restrictions from their dwelling units.

B. Purpose. Based upon the above findings, the purpose of this Chapter 22.210 is to provide relocation assistance to low-income tenants displaced by demolition, substantial rehabilitation, or change of use of residential rental property, or the removal of rent or income restrictions from housing developments.

(Ord. 126458, § 1, 2021; Ord. 115141, § 1(part), 1990.)

22.210.030 - Definitions

Unless the context clearly requires otherwise, the definitions in this Section 22.210.030 apply throughout this Chapter 22.210:

"Change of use" means the conversion of any dwelling unit from a residential use to a nonresidential use that results in the displacement of existing tenants or conversion from residential use to another residential use that requires the displacement of existing tenants, such as a conversion to a retirement home where payment for long-term care is a requirement of tenancy, or conversion to an emergency shelter or transient hotel. For purposes of this Chapter 22.210, "change of use" shall not mean a conversion of a rental dwelling unit to a condominium.

"Demolition" means the destruction of any dwelling unit or the relocation of an existing dwelling unit or units to another site.

"Director" means the Director of the Seattle Department of Construction and Inspections, or the Director's designee.

"Displacement" means, in the case of demolition, substantial rehabilitation, or change of use, when existing tenants must vacate the dwelling unit because of the demolition, substantial rehabilitation, or change of use. "Displacement" also includes when a tenant vacates after notice of the removal of a rent or income restriction from a dwelling unit. For purposes of this Chapter 22.210, "displacement" shall not include the permanent relocation of a tenant from one dwelling unit to another dwelling unit in the same building with the tenant's consent or the temporary relocation of a tenant for less than 72 hours.

"Dwelling unit" means a structure or that part of a structure used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

"Low income" means total combined income per dwelling unit is at or below 50 percent of the median income, adjusted for family size, in King County, Washington.

"Major educational institution" means an educational institution which is designated as a "major institution" in Section 23.84A.025.

"Master use permit" means the document issued by the Seattle Department of Construction and Inspections that records all land use decisions made by the Seattle Department of Construction and Inspections.

"Owner" means one or more persons, jointly or severally, in whom is vested:

1. All or any part of the legal title to property; or
2. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

"Rent" has the meaning given in chapter 59.18 RCW.

"Rent or income restrictions" means any federal, State, or local regulation, ordinance, agreement, or contract that, as a condition of receipt of any assistance or incentive, including an operating subsidy, rental subsidy, property tax exemption, development agreement, zoning-related benefit, modification of development standards, mortgage subsidy, mortgage insurance, tax-exempt financing, or low-income housing tax credits, establishes a maximum limit on tenant income as a condition of eligibility for occupancy of a unit, imposes any restrictions on the maximum rent that may be charged for a unit, or requires review of rent for a unit by a governmental body or agency before the rent is implemented or changed.

"Rental agreement" means all oral or written agreements that establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit. For purposes of this Chapter 22.210, "rental agreement" shall not include any agreement relating to the purchase, sale, or transfer of ownership of a dwelling unit.

"Substantial rehabilitation" means extensive structural repair or extensive remodeling that requires displacement of a tenant and either requires a building, electrical, plumbing, or mechanical permit, or is valued at $6,000 or more for any tenant's dwelling unit.

"Tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the State Residential Landlord-Tenant Act, chapter 59.18 RCW and those tenants whose living arrangements are exempted from the State Residential Landlord-Tenant Act under RCW 59.18.040(3) if their living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1). For purposes of this Chapter 22.210, "tenant" shall not include the owner of a dwelling unit or members of the owner's immediate family.

(Ord. 126458, § 2, 2021; Ord. 125901, § 1, 2019; Ord. 124919, § 80, 2015 [department name change and other cleanup]; Ord. 124883, § 2, 2015 [cross-reference update]; Ord. 124882, § 2, 2015; Ord. 121276, §§ 20, 37, 2003 [department name change]; Ord. 115141, § 1(part), 1990.)

22.210.040 - Application of chapter

This Chapter 22.210 shall apply to displacement caused by demolition, change of use, substantial rehabilitation, or removal of rent or income restrictions from any dwelling unit in Seattle, with the exception of displacement from the following:

A. Any dwelling unit demolished or vacated because of damage caused by an event beyond the owner's control, including that caused by fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster, or other destruction;

B. Any dwelling unit ordered vacated or demolished by the Director pursuant to Section 22.206.260, because of damage within the owner's control;

C.

Any dwelling unit being converted from rental housing to a condominium, which conversion is regulated pursuant to Chapter 22.903;

D. Any dwelling unit located inside the boundaries of a major educational institution that is owned by the institution and which is occupied by students, faculty, or staff of the institution;

E. Any dwelling unit located in a mobile home park, unless such unit is rented by the occupant thereof from the owner or operator of the mobile home park;

F. Any dwelling unit for which relocation assistance is required to be paid to the tenants pursuant to state, federal, or other law, unless such law requires application of Chapter 22.210;

G. Any dwelling unit for which the Seattle School District is providing relocation assistance according to a plan that the Director has approved as providing substantially equal or greater benefits to dislocated tenants than the benefits required pursuant to this Chapter 22.210;

H. Any dwelling unit operated as emergency or temporary shelter for homeless persons (whether or not such persons have assigned rooms or beds, and regardless of duration of stay for any occupant) by a nonprofit organization or public agency owning, leasing, or managing such dwelling unit.

(Ord. 126458, § 3, 2021; Ord. 117094, § 1, 1994; Ord. 115141, § 1(part), 1990.)

22.210.050 - Tenant relocation license—Required

Prior to the demolition, change of use, or substantial rehabilitation of any dwelling unit, and prior to the removal of rent or income restrictions from any dwelling unit which results in the displacement of a tenant, an owner must obtain a tenant relocation license. The Director shall not issue any permit for the demolition, change of use, or substantial rehabilitation of any dwelling unit until the owner has obtained a tenant relocation license. In the case of the removal of rent or income restrictions, an owner may not increase the rent prior to obtaining a tenant relocation license.

(Ord. 126458, § 4, 2021; Ord. 115141, § 1, 1990.)

22.210.060 - Issuance of tenant relocation license

The Director shall issue a tenant relocation license when the owner has:

A. Submitted an application for a tenant relocation license as provided in Section 22.210.070;

B. Delivered relocation information packets to tenants and submitted proof of delivery as required by Section 22.210.080;

C. Paid the owner's share of tenant relocation assistance as required by Section 22.210.110;

D. Complied with the 90 day tenant notice provisions as required by Section 22.210.120; and

E. Paid the relocation license application fees as required by Chapter 22.900I.

(Ord. 126935, § 1, 2023; Ord. 118839, § 1, 1997; Ord. 117094, § 2, 1994; Ord. 115141, § 1, 1990.)

22.210.070 - Tenant relocation license—Application

Prior to or at the time of application for a master use permit necessary for the demolition, change of use, or substantial rehabilitation of any dwelling unit, or if no master use permit is required, prior to or at the time of application for any building permit necessary for the demolition, change of use, or substantial rehabilitation of any dwelling unit; or prior to a change of use that does not require a master use permit; or no earlier than ten months but no less than six months prior to the removal of a rent or income restriction; that will result in the displacement of the tenant, the owner must submit to the Director a tenant relocation license application on a form established by the Director. Applications for tenant relocation shall include:

A. A statement certifying the number of dwelling units to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions will be removed; and

B. A list containing the name, mailing address, email address, and phone number, if available, of each tenant residing in such dwelling units as of the earliest date of:

1. The application for the tenant relocation license;
2. The application for the master use permit; or
3. The application for the building permit.

(Ord. 126458, § 5, 2021; Ord. 115141, § 1, 1990.)

22.210.080 - Tenant relocation information packets

A. At the time of submission of the tenant relocation license application, the owner shall obtain from the Director one tenant relocation packet for each dwelling unit for which demolition, change of use, substantial rehabilitation, or removal of rent or income restrictions is to occur. The tenant relocation information packet shall contain the following:

1. A relocation assistance certification form with instructions for its submission to the Director;
2. A description of the potential relocation benefits available to eligible tenants; and
3. An explanation of the tenants' rights to remain in possession unless evicted for cause as provided in Section 22.210.140.

B. Within 30 days after submission of the tenant relocation license application, the owner shall personally deliver or cause to be personally delivered a tenant relocation information packet to an adult tenant of each dwelling unit to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions are to be removed. If the tenant moved after the earlier of the owner's application for a tenant relocation license, a master use permit, or a building permit and left the owner no forwarding address, an owner may deliver the tenant

relocation information packet by certified mail, return receipt requested and by regular mail addressed to the last known address of the tenant. Except as provided in the preceding sentence, delivery of the packets by depositing them in the United States mail shall not be adequate delivery.

C. 1. The owner shall obtain and submit to the Director a signed delivery receipt from an adult tenant of each affected dwelling unit showing delivery of the tenant relocation information packet.

2. If no adult tenant of a dwelling unit is willing to sign a delivery receipt for the packet, the owner shall deliver the packet and shall submit to the Director a sworn statement describing the date of delivery of the packet and the time and circumstances of the tenant's refusal to acknowledge receipt.

3. If the tenant refuses to accept the packet or if, after diligent efforts by the owner, the tenant cannot be found for delivery of the packet, the owner shall attach the packet to the door of the dwelling unit and shall mail a copy of the packet both by certified mail, return receipt requested and by regular mail to the last known address or forwarding address of the tenant, and shall submit to the Director a sworn statement describing the date of attempted delivery of the packet, efforts made by the owner to deliver the packet, the time and circumstances of the tenant's absence or refusal to accept delivery, the date and time of attaching the packet to the dwelling unit door, the date of mailing by regular and certified mail, and a copy of the return receipt.

4. The delivery receipts and sworn delivery statements shall be submitted to the Director within ten days of delivery of the last tenant information packet.

D. The owner shall personally deliver or shall cause to be personally delivered, or mailed as provided in subsection 22.210.080.C, a tenant relocation information packet to any tenant who, after the earlier of the owner's application for a tenant relocation license, master use permit or building permit, moves into a dwelling unit to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions are to be removed; provided, that the owner shall not be required to provide a tenant relocation information packet to any new tenant who is not eligible for relocation assistance under subsection 22.210.100.B.

(Ord. 126458, § 6, 2021; Ord. 115141, § 1, 1990.)

22.210.090 - Tenant income verification

A. Within 30 days after the date of delivery of the tenant relocation information packet, each tenant of a dwelling unit to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions are to be removed, shall submit to the Director a signed and completed relocation assistance certification form certifying the names and addresses of all

occupants of the dwelling unit, the total combined annual income of the occupants of the dwelling unit for the previous calendar year, and the total combined income of the occupants for the current calendar year. However, a tenant who, with good cause, is unable to return the certification form within 30 days may, within 30 days after the date of delivery of the tenant relocation information packet, submit to the Director a written request for an extension of time, which details the facts supporting the claim of "good cause." If the request is submitted within the 30-day period and the facts constitute good cause in accordance with the rules adopted pursuant to this Chapter 22.210, the deadline for submission of the tenant certification form shall be extended 30 days. When an extension has been granted, the Director shall notify the tenant and the owner of the extension.

B. Any tenant who fails or refuses to submit the relocation assistance certification form, who refuses to provide information regarding the tenant's income within 30 days of receipt of the information packet or any extension thereof, or who intentionally misrepresents any material information regarding income or entitlement to relocation benefits shall not be entitled to relocation assistance under this Chapter 22.210.

C. If information submitted by a tenant on a relocation assistance certification form is incomplete, is inadequate, or appears to be inaccurate, the Director may require the tenant to submit additional information to establish eligibility for relocation assistance. If the tenant fails or refuses to respond within 15 days to the Director's request for additional information, such tenant shall not be eligible for relocation assistance.

(Ord. 126458, § 7, 2021; Ord. 118839, § 2, 1997; Ord. 117094, § 3, 1994; Ord. 115141, § 1, 1990.)

22.210.100 - Tenant eligibility for relocation assistance

A. Low-income tenants shall be eligible for relocation assistance if:

1. The tenant resided in a dwelling unit to be demolished, substantially rehabilitated, or changed in use, or from which rent or income restrictions will be removed on the earliest date of:
   a. The owner's application for a tenant relocation license pursuant to this Chapter 22.210,
   b. The owner's application for a master use permit pursuant to Chapter 23.76, et seq. that is necessary to demolish, substantially rehabilitate, or change the use of a dwelling unit, or
   c. The owner's application for a building permit that is necessary to demolish, substantially rehabilitate, or change the use of a dwelling unit; or
2.

The tenant moved into a dwelling unit after the earliest of: the owner's application for a tenant relocation license; a master use permit necessary for demolition, substantial rehabilitation, or change of use; notice of removal of rent or income restrictions; or a building permit necessary for demolition, substantial rehabilitation, or change of use; and, prior to taking possession of the dwelling unit, such tenant was not advised by the owner in writing that the tenant is ineligible for relocation assistance and:

a. That the dwelling unit may be demolished, substantially rehabilitated, or changed in use; or

b. That the dwelling unit will have its rent or income restrictions removed and the date on which the removal will be effective.

B. The owner shall provide the tenant with a copy of the written notice described in subsection 22.210.100.A.2 prior to the tenant's occupancy of the dwelling unit, and the owner shall retain a copy with the tenant's signature acknowledging its receipt and the date of receipt. Any tenant who is not advised in writing as provided in subsection 22.210.100.A.2 prior to taking occupancy shall be entitled to full relocation benefits.

C. Within 15 days of the Director's receipt of the signed relocation assistance certification forms from all tenants listed in the tenant relocation license application or within 15 days of the expiration of the tenants' 30-day period for submitting signed relocation assistance certification forms to the Director, whichever occurs first, the Director shall send to each tenant household who submitted a signed certification form and to the owner, by both regular United States mail and certified mail, return receipt requested, a notice stating whether the tenant household's certification form indicates eligibility for relocation assistance. For those tenants who have been granted an extension pursuant to subsection 22.210.090.A, the Director shall issue a notice concerning tenant eligibility for relocation assistance to the owner and tenants within five days instead of within 15 days of receiving the signed and completed relocation assistance certification forms.

D. Either the tenant or the owner may file an appeal with the Hearing Examiner, pursuant to Section 22.210.150, of the Director's determination of the tenant's eligibility for relocation assistance.

(Ord. 126458, § 8, 2021; Ord. 118839 § 3, 1997; Ord. 117094, § 4, 1994; Ord. 115141 § 1, 1990.)

22.210.110 - Owner's contribution to relocation assistance

A. The owner of a dwelling unit to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions will be removed, is responsible for payment of one-half of the total amount of relocation assistance due to eligible tenants pursuant to this Chapter 22.210. The City is responsible for payment of the remaining one-half of the relocation assistance.

B. 1.

Within five days after receipt by the owner of the notice of tenant eligibility pursuant to subsection 22.210.100.C, the owner shall provide the Director with a cash deposit or a security instrument in the form of an irrevocable letter of credit with terms acceptable to the Director equal to one-half of the amount of total relocation assistance to be paid to eligible tenants in the dwelling units to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions will be removed. The total relocation assistance shall be calculated based on the number of units occupied by tenant households who are determined by the Director to be eligible for relocation assistance, as modified by any decisions by the Hearing Examiner or a court concerning eligibility for relocation assistance at the time of payment of the owner's share of relocation assistance.

2. An owner may, but is not required to, provide the Director with the owner's share of relocation assistance any time after application for the tenant relocation license but prior to the time it is required by subsection 22.210.110.B.1. If the owner chooses this option, the amount to be provided to the Director will be based on the number of units to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions will be removed, multiplied by the owner's share per unit for the number of units for which relocation assistance may be required. Returns of unused portions of the owner's share paid pursuant to this subsection 22.210.110.B shall be returned in accordance with subsection 22.210.130.F.

C. If the Director determines, at any time after the owner provides the Director with the owner's share of relocation assistance pursuant to subsection 22.210.110.B, that the owner has not provided sufficient funds to pay the owner's share of relocation assistance to all eligible tenants, the Director shall notify the owner of the additional amount needed, and the owner shall provide the Director with a security instrument in the form of an irrevocable letter of credit or cash deposit in the requested amount within five days of the Director's request.

(Ord. 126458, § 9, 2021; Ord. 115141, § 1, 1990.)

22.210.120 - Ninety-day tenant notice

A. Requirement of notice. The owner shall deliver to each tenant in each dwelling unit to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions are to be removed, a 90-day notice of the owner's intention to demolish, substantially rehabilitate, change the use of, or remove rent or income restrictions from the dwelling unit. In addition, a copy of the notice shall be posted at every entrance to any building containing dwelling units to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions will be removed.

B.

Timing of notice. The owner may deliver the 90-day notice any time after the expiration of ten days after the owner's receipt of the Director's notices of tenant eligibility for relocation assistance pursuant to Section 22.210.100, so long as the owner has already paid the owner's share of relocation assistance pursuant to subsection 22.210.110.B.1. Exceptions to this rule are:

1. If a Director's determination of eligibility is appealed to the Hearing Examiner pursuant to Section 22.210.150, the owner may not deliver the 90-day notice to any tenant whose eligibility decision was appealed until the issuance of any final unappealed decision on such tenant's eligibility, unless the owner has paid the owner's share of relocation assistance to the Director pursuant to subsection 22.210.110.B.2 for the tenant whose eligibility decision is being appealed, in which case the 90-day notice may be delivered after the later of:
    a. The date ten days after receipt of the Director's original notice of eligibility, or
    b. The date the owner's share of relocation assistance was paid to the Director for the tenant(s) pursuant to subsection 22.210.110.B.2;
2. If the actual date of payment of the owner's share of relocation assistance pursuant to subsection 22.210.110.B.1 is more than ten days after receipt of the Director's notices of tenant eligibility, then the 90-day notice may not be delivered until after payment of the owner's share of relocation assistance; and
3. If a tenant has been granted an extension pursuant to Section 22.210.090, the owner may deliver the 90-day notice to a tenant either:
    a. Any time after expiration of ten days after the owner's receipt of the Director's notice of eligibility for a tenant with an extension, so long as the owner has already paid the owner's share of relocation assistance pursuant to subsection 22.210.110.B.1, or
    b. The later of:
        i. The same date the owner would have been able to deliver the 90-day notice to that tenant or any tenant, had no such extension been granted, so long as the owner has paid the owner's share of relocation assistance for all tenants pursuant to Section 22.210.110, or
        ii. The actual date that the owner pays the owner's share of relocation assistance pursuant to Section 22.210.110 for a tenant with an extension.

C. The 90-day notice shall be on a form provided by the Director and shall describe the relocation benefits available to eligible tenants and explain the tenant's right to remain in possession unless evicted for cause as provided in Section 22.210.140.

D. The 90-day tenant notice shall be delivered to the tenants personally or by registered or certified mail with return receipt requested. If personally delivered, an affidavit of service must be completed by the owner.

E.

Concurrently with issuance of the 90-day tenant notice, the owner shall provide the Director with a copy of the notice, a list of current tenants in the affected units, and for each tenant who has moved into a unit since the date of application for the earliest of the tenant relocation license application, Master Use Permit application, or building permit application necessary for the demolition, change of use, substantial rehabilitation, or removal of rent or income restrictions, proof of delivery of either the tenant relocation information packet or the written notice provided in subsection 22.210.100.A.2.

F. Within 20 days of delivery of the 90-day notice to the tenants, the owner shall provide the Director with proof of delivery of the notice to a tenant of each dwelling unit to be demolished, changed in use, or substantially rehabilitated, or for which rent or income restrictions will be removed.

G. No tenant relocation license may be issued by the Director until the expiration of 90 days from the date of delivery of the 90-day notice to all affected tenants.

(Ord. 126458, § 10, 2021; Ord. 118839, § 4, 1997; Ord. 117094, § 6, 1994; Ord. 115141, § 1, 1990.)

22.210.130 - Relocation assistance payments

A. Low-income tenants who are displaced by demolition, change of use, substantial rehabilitation, or removal of rent or income restrictions, and who comply with the requirements of this Chapter 22.210, shall be paid a total relocation assistance payment in the amount of $2,000 to be paid by the City, subject to appropriation of sufficient funds for such purpose by the City. The amount of relocation assistance shall be adjusted annually by the percentage amount of change in the housing component of the Consumer Price Index, as published by the United States Department of Labor, Bureau of Labor Statistics. Such adjustments shall be published in a Director's rule.

B. A tenant shall be entitled to obtain a relocation assistance payment only after receipt of a notice from the Director of eligibility for tenant relocation assistance or, if an appeal was taken pursuant to Section 22.210.150, after receipt of a final unappealed decision from the Hearing Examiner or a court that the tenant is eligible for relocation assistance.

C. An eligible tenant may obtain the relocation assistance payment by completing a request for relocation assistance and an affidavit of the date of vacating the unit and submitting the originals to the Director. Within 21 days after submission to the Director, a check will be issued.

D. The relocation assistance payment shall be in addition to the refund from the owner of any deposits or other sums to which the tenant is lawfully entitled.

E. An eligible tenant shall be deemed to have waived his or her right to relocation assistance if:

1. The tenant does not submit a completed request for relocation assistance within 180 days after vacating the dwelling unit to be demolished, changed in use, or substantially rehabilitated; or

2.

The tenant does not submit a completed request for relocation assistance within 180 days after the removal of a rent or income restriction or the within 180 days after the date of the notice of eligibility to the tenant, whichever is later; or

3. The tenant does not cash the check for relocation assistance within 180 days after vacating the dwelling unit to be demolished, changed in use, or substantially rehabilitated, or from which rent or income restrictions are to be removed.

F. Any money remaining in either the cash deposit or the letter of credit that the owner submitted to the Director as the owner's share of relocation assistance pursuant to Section 22.210.110, for tenants whose eligibility was appealed or for tenants who have not claimed the relocation payment, shall be refunded to the owner as follows:

1. If there was an appeal of a tenant's eligibility and the tenant was found to be not eligible, the owner's share of the relocation assistance for that tenant shall be returned to the owner within 30 days of a final unappealed decision; or
2. If a tenant has not claimed the tenant's relocation assistance payment within 180 days after vacating the dwelling unit, the owner's share of the relocation assistance for that tenant shall be refunded to the owner.

(Ord. 126458, § 11, 2021; Ord. 119271, § 1, 1998; Ord. 118839, § 5, 1997; Ord. 117290, § 2, 1994 [made Ord. 117094's amendments permanent]; Ord. 117094, § 7, 1994; Ord. 115141, § 1, 1990.)

22.210.136 - Rent increase to avoid application of Chapter 22.210

A. No owner may increase rent for the purpose of avoiding the application of this Chapter 22.210.

B. If a tenant has received notice of a rent increase of ten percent or more over the periodic or monthly rental rate charged the same tenant for the same housing unit and same services for any period or month during the preceding 12 months that the tenant believes is for the purpose of avoiding the application of this Chapter 22.210, and the tenant makes a complaint to the Director within one year of receiving the notice of the rent increase, the owner shall, within ten days of being notified by the Director of the complaint, complete and file a certification with the Director stating that the rent increase is not for the purpose of avoiding the application of this Chapter 22.210. The failure of the owner to complete and timely file the certification is a defense for the tenant in an eviction action based upon the tenant's failure to pay the increased rent.

C. Regardless of whether a certification is timely filed, the Director may investigate the complaint and decide whether the rent increase was made for the purpose of avoiding the application of this Chapter 22.210. A decision by the Director that the rent increase was made for the purpose of avoiding the application of this Chapter 22.210 constitutes a finding that the owner violated subsection 22.210.136.A.

D.

There is a rebuttable presumption the rent increase was made for the purpose of avoiding the application of this Chapter 22.210 and the owner violated subsection 22.210.136.A if:

1. Within 90 days of the effective date of a rent increase of 20 percent or more over the periodic or monthly rental rate charged the same tenant for the same housing unit and same services for any period or month during the preceding 12 months, that tenant vacates a dwelling unit and, within 180 days of the effective date of the rent increase, the owner:
   a. Engages in substantial rehabilitation; or
   b. Applies for a permit for a substantial rehabilitation, demolition, change of use, or removal of rent or income restrictions; and
2. The owner failed to complete and timely file a certification after being notified by the Director of a complaint as provided in subsection 22.210.136.B, or failed to follow the provisions of this Chapter 22.210 after completing and timely filing the certification.

E. The Director shall mail a copy of the Director's decision to the owner and to the tenant who made the complaint.

(Ord. 126458, § 12, 2021; Ord. 124882, § 3, 2015.)

22.210.140 - Eviction protection

A. After the earliest of: (1) the owner's application for a tenant relocation license; (2) the owner's application for a Master Use Permit necessary for demolition, change of use, or substantial rehabilitation; or (3) the owner's application for a building permit necessary for demolition, change of use, or substantial rehabilitation, the owner shall not evict any tenant except for good cause as defined in subsections 22.205.010.A, 22.205.010.B, 22.205.010.C, 22.205.010.G, 22.205.010.H, 22.205.010.I, 22.205.010.N, and 22.205.010.P, and shall not, for the purpose of avoiding or diminishing the application of this Chapter 22.210, reduce the services to any tenant or materially increase or change the obligations of any tenant. Any rent increase after the removal of rent or income restrictions and prior to the issuance of a tenant relocation license is considered a material increase or change to the obligations of the tenant.

B. Prior to application for a tenant relocation license, a master use permit necessary for demolition, change of use, or substantial rehabilitation, or a building permit necessary for demolition, change of use, or substantial rehabilitation, or removal of a rent or income restriction, an owner shall not harass or intimidate tenants into vacating their units for the purpose of avoiding or diminishing the application of this Chapter 22.210.

(Ord. 126458, § 13, 2021; Ord. 124882, § 4, 2015; Ord. 118839, § 6, 1997; Ord. 117094, § 8, 1994; Ord. 115141, § 1, 1990.)

22.210.150 - Administrative appeals

A. Either an owner or a tenant may request a hearing before the Hearing Examiner to appeal a determination concerning a tenant's eligibility for a relocation assistance payment, to resolve a dispute concerning the authority to institute unlawful detainer actions before issuance of the tenant relocation license required by Section 22.210.050, or to review a decision of the Director pursuant to subsection 22.210.136.C.

B. An appeal regarding eligibility for relocation assistance shall be filed within ten days after receipt of the Director's notice of tenant eligibility for relocation assistance.

C. A request for a hearing relating to authority to pursue unlawful detainer actions during the relocation period shall be filed prior to issuance of the tenant relocation license.

D. An appeal to review a decision of the Director pursuant to subsection 22.210.136.C shall be filed within ten days after receipt of the Director's decision.

E. When the last day of the appeal period is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

F. All requests for a hearing or appeal shall be in writing and shall clearly state specific objections and the relief sought. The appellant is not required to pay the Hearing Examiner filing fee set forth in Section 3.02.125.

G. Notice of the hearing shall be provided by the Hearing Examiner at least ten days prior to the scheduled hearing date to the tenant, the owner, the Director, and any other interested parties who have requested notice.

H. A record shall be established at the hearing before the Hearing Examiner. Appeals shall be considered de novo. The Director is not a necessary party to any Hearing Examiner proceedings pursuant to this Section 22.210.150.

I. On the day it is issued, the Hearing Examiner shall provide the decision on the appeal to the tenant, the property owner, the Director, and all those requesting notice.

J. The Hearing Examiner's decision is final and conclusive unless, within ten calendar days of the date of the Hearing Examiner decision, an application or petition for a writ of review is filed in King County Superior Court. Judicial review shall be confined to the record of the administrative hearing. The Superior Court may reverse the Hearing Examiner decision only if the decision is arbitrary and capricious, contrary to law, in excess of the authority or jurisdiction of the Hearing Examiner, made upon unlawful procedure, or in violation of constitutional provisions.

(Ord. 124882, § 5, 2015; Ord. 123899, § 21, 2012; Ord. 118839, § 7, 1997; Ord. 117094, § 9, 1994; Ord. 115141, § 1, 1990.)

22.210.160 - Administration and enforcement

A. The Director shall administer and enforce the provisions of this Chapter 22.210 and is authorized to adopt reasonable rules and regulations consistent with this Chapter 22.210 to carry out the Director's duties.

B. Whenever an owner fails to comply with the provisions of this Chapter 22.210, the Director shall refuse to issue the tenant relocation license.

C. Any failure to comply with the requirements of this Chapter 22.210 or with a decision of the Hearing Examiner under this Chapter 22.210 shall be a violation of this Chapter 22.210.

D. It shall be a violation of this Chapter 22.210 if a tenant who has received relocation assistance pursuant to this Chapter 22.210 fails to vacate the dwelling unit:

1. After the expiration of a notice issued for good cause as defined in subsections 22.205.010.H or 22.205.010.I; or

2. After relocation assistance pursuant to this Chapter 22.210 is provided to a person not eligible for such assistance.

(Ord. 126458, § 14, 2021; Ord. 115141, § 1, 1990.)

22.210.170 - Notice of violation

If after investigation the Director determines that a violation of this Chapter 22.210 has occurred or exists, the Director may have a notice of violation served upon the person responsible for the violation. The notice may be served by personal service, registered mail, or certified mail, return receipt requested, to the last known address of the person responsible for the violation. The notice of violation shall identify the violation of this Chapter 22.210 and what corrective action is necessary to comply.

(Ord. 115141, § 1, 1990.)

22.210.180 - Violations and penalties

A. In addition to any other sanction or remedial procedure that may be available, any person violating any provision of this Chapter 22.210 shall be subject to a cumulative civil penalty in the amount of $1,000 per day for each day from the date the violation began until the requirements of this Chapter 22.210 are satisfied, and if:

1. The violation resulted in a tenant who would have been eligible for relocation assistance not receiving it, the penalty shall be increased by the amount of the violator's share of the relocation assistance that should have been paid; or

2. The violation is for receipt of relocation assistance by an ineligible tenant or for failure to vacate pursuant to Section 22.210.160, the penalty shall be increased by the amount of relocation assistance received by the tenant.

B. The penalty imposed by this Section 22.210.180 shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

C. Any tenant or person aggrieved by a violation of this Chapter 22.210 may institute a private action to enforce the obligations contained in this Chapter 22.210, provided, that this subsection 22.210.180.C does not create any right of action against the City or any City officer or employee for the failure either to require any owner to pay relocation assistance or to pay tenants the amount of the owner's share with City funds. This section shall be retroactive to June 22, 1993.

(Ord. 124882, § 6, 2015; Ord. 117094, § 10, 1994; Ord. 115141, § 1, 1990.)

Chapter 22.212 - ECONOMIC DISPLACEMENT RELOCATION ASSISTANCE—RENT INCREASE

22.212.010 - Definitions

For the purposes of this Chapter 22.212, the following words or phrases shall have the meaning below unless the context clearly indicates otherwise. Terms that are not defined in this Chapter 22.212 and are defined in Chapter 22.204 shall have the meaning given to them in Chapter 22.204.

"Family household" means all occupants in the same housing unit who are members of the same family unit.

"Family unit" means all related persons, including: parents; spouses' parents; grandparents; spouses' grandparents; grandchildren; spouses' grandchildren; siblings; spouses' siblings; siblings' spouses and siblings' children; and those similarly related to individuals in city or state registered domestic partnerships.

"Household" means any family household or non-family household that occupies a housing unit. A combination of family households and non-family households may occupy a single housing unit.

"Housing costs" has the same meaning defined by Section 7.24.020.

"Household representative" means the household member designated by the household as the person representing the household in performing actions under this Chapter 22.212, and who is the person legally entitled to obtain the payment authorized by this Chapter 22.212. A household representative may represent only one household at a time.

"Non-family household" means: a person living alone; or occupants of a housing unit who are not members of a family household.

"Required rent-increase notice" means the notice required by subsection 7.24.030.A if it is: (1) a required rent-increase notice for ten percent or more; or (2) a required rent-increase notice for less than ten percent.

"Required rent-increase notice for less than ten percent" means a required rent-increase notice for a one-time rent increase of less than ten percent, but where that rent increase, in combination with all other rent increases taking effect within either 12 months prior to the effective date of that rent increase or the household's tenancy in the housing unit, whichever period is shorter, will result in a cumulative rent increase for the household of ten percent or more.

"Required rent-increase notice for ten percent or more" means a required rent-increase notice for a one-time rent increase of ten percent or more.

(Ord. 126451, § 2, 2022.)

22.212.020 - Notice

A. The Director shall prepare a notice describing how persons may obtain information about the rights and obligations of tenants and owner under this Chapter 22.212. The Director shall place the notice on the Department's website and provide links to translated versions of the notice in the five languages most commonly spoken in Seattle other than English, as determined on an annual basis. The Director may provide links to translated versions in other languages at the Director's discretion. If requested, the Director shall provide copies of the notice to an owner at no cost.

B. The owner shall provide the notice described in subsection 22.212.020.A with a required rent-increase notice. The owner shall provide that notice to an adult tenant of each housing unit by:

1. Personally delivering each notice or causing it to be personally delivered; or
2. Mailing each notice by certified mail, return receipt requested and by first-class mail addressed to the housing unit.

(Ord. 126451, § 2, 2022.)

22.212.030 - Criteria for economic displacement relocation assistance

A household representative is entitled to economic displacement relocation assistance if:

A. A tenant of the housing unit has received a required rent-increase notice;

B. The household representative complies with the deadlines or extensions in Section 22.212.040;

C. After receiving the required rent-increase notice but before the rent increase takes effect, the household vacates the housing unit or a member of the household has given written notice to the owner of the date the household intends to vacate the housing unit; and

D. The household is a low-income household as defined in Section 23.84A.016.

(Ord. 126451, § 2, 2022.)

22.212.040 - Application for economic displacement relocation assistance

A. Within 180 days after a tenant in the household receives a required rent-increase notice or 60 days after the rent increase goes into effect, whichever date is later, the household representative may apply to the Director for economic displacement relocation assistance by submitting an application to the Director on a form approved by the Director. If the household representative fails to submit an application within either 180 days after a tenant in the household receives the required rent-increase notice or 60 days after the rent increase goes into effect, whichever date is later, the household representative is not entitled to economic displacement relocation assistance unless the household representative requests, and the Director approves the request for, an extension of time to submit the application. The extension request must explain why the household representative is unable to apply before the expiration of the applicable period. The Director shall approve the extension request if the Director receives it before the expiration of the applicable period and determines that the household representative has good cause for being unable to apply within the applicable period. The Director shall notify the household representative and the owner in writing whether the extension has been approved or rejected. If the Director approves the extension, the household representative will have an additional 60 days after the expiration of the original applicable period in which to submit the application.

B. The application shall include:

1. An affidavit identifying the date the household representative's household vacated the housing unit or a copy of the notice the household gave to the owner identifying the date the household intends to vacate the housing unit;
2. A copy of the current rental agreement or, if the tenancy is not subject to a written agreement or the household does not have a copy of it, proof of housing costs for the 12 months prior to the effective date of the required rent-increase notice or for the household's tenancy in the housing unit, whichever period is shorter;
3. Documentation establishing that that rent increase is for ten percent or more or, in combination with all other rent increases taking effect within 12 months prior to the effective date of that rent increase or the household's tenancy in the housing unit, whichever period is shorter, will result or resulted in a cumulative rent increase of ten percent or more; and
4. The number of family and non-family households occupying the housing unit and the names of all members of each household; and
5. For the household applying for assistance, the total combined annual income for the previous calendar year, and the total combined income for the current calendar year.

C.

Within five days after receiving the application, the Director shall notify the owner in writing that the household representative has submitted an application for economic displacement relocation assistance.

D. The Director may ask the household representative to provide information to complete an application for economic displacement relocation assistance. The household representative is not entitled to economic displacement relocation assistance if the household representative fails to provide the requested information within 30 days after receiving the Director's request, unless the household representative requests, and the Director approves the request for, an extension of time to provide the requested information. The extension request must explain why the household representative is unable to provide the information before the expiration of the 30-day period. The Director shall approve the extension request if the Director receives it before the expiration of the 30-day period and determines that the household representative has good cause for being unable to provide the requested information within the period. If the Director approves the extension request, the household representative will have an additional 30 days after the expiration of the original 30-day period in which to submit the requested information.

E. Within ten days after the Director receives a complete application, the Director shall send by certified mail, return receipt requested and by first-class mail to the household representative and the owner a notice stating whether the household representative is entitled to economic displacement relocation assistance pursuant to Section 22.212.030 and identifying the amount of any entitlement as calculated pursuant to Section 22.212.050.

F. If the household rescinds its notice of vacation or fails to vacate the housing unit by the date identified on the written notice of vacation at any time after the household representative submits an application to the Director and before the Director pays economic displacement relocation assistance to the household representative, the household representative must withdraw the application for economic displacement relocation assistance by providing written notice to the Director.

(Ord. 126451, § 2, 2022.)

22.212.050 - Calculation of economic displacement relocation assistance payment

The Director shall calculate the amount of economic displacement relocation assistance, if any, to which the household representative is entitled. To calculate that amount, the Director shall:

A. Determine the average monthly housing costs for the housing unit, based upon either: the housing costs for the 12 months prior to the effective date of that rent increase or for the household's tenancy in the housing unit, whichever period is shorter;

B. Identify the number of households that occupy the housing unit and divide the average monthly housing costs by the number of households, resulting in the average monthly housing costs per household; and

C. Multiply the average monthly housing costs per household by three.

(Ord. 126451, § 2, 2022.)

22.212.060 - Owner's payment of economic displacement relocation assistance to the Director

A. The owner shall pay to the Director the amount of assistance, if any, identified in the Director's notice described in subsection 22.212.040.E within seven days after the owner receives the notice.

B. The owner may not reduce the amount of the assistance payment by any amount the owner believes the tenant owes the owner, such as a security deposit for damage to the property for which the tenant is responsible. Nothing in this Chapter 22.212 precludes the owner from seeking such amounts from the tenant pursuant to other applicable law.

C. Payment by the owner of economic displacement relocation assistance under this Chapter 22.212 does not constitute compliance with the tenant relocation assistance requirements of Chapter 22.210.

(Ord. 126451, § 2, 2022.)

22.212.070 - Payment of economic displacement relocation assistance to the household representative

A. The Director shall pay the household representative the amount of assistance, if any, identified in the Director's notice described in subsection 22.212.040.E within 14 days after the Director sends the notice described in subsection 22.212.040.E.

B. An economic displacement relocation assistance payment received by a household representative under this Chapter 22.212 shall not be considered as income for any City benefit program or affect the amount to which any person may be entitled under any City benefit program.

22.212.080 - Refunds

If after the owner has already paid economic displacement relocation assistance to the Director, the household fails to vacate the housing unit by the date identified on the written notice of vacation, rescinds its notice of vacation, or withdraws the application for economic displacement relocation assistance:

A. The Director will refund the amount paid by the owner within ten days after the Director receives notice of the failure, recission, or withdrawal; and

B. If the household representative has received an economic displacement relocation assistance payment, the household representative shall refund the payment to the Director within ten days after the failure, recission, or withdrawal.

(Ord. 126451, § 2, 2022.)

22.212.090 - Administrative appeals

A. The owner or a household representative may appeal the Director's decision approving or denying the application for an economic displacement relocation assistance payment, including the Director's calculation of the amount of any economic displacement relocation assistance payment under Section 22.212.050.

B. A notice of appeal shall be filed with the Seattle Hearing Examiner by 5 p.m. within ten days after receipt of the Director's decision, and by that same date, copies of the notice of appeal shall be placed in the mail, postage pre-paid, for service on the Director and any non-appellant owner or household representative. Proof of service shall be filed with the Hearing Examiner.

C. A notice of appeal shall be in writing, specifically describe the alleged errors in the Director's decision, and describe the relief sought.

D. The Hearing Examiner shall hold a hearing on the appeal pursuant to procedures prescribed by the Hearing Examiner, subject to the procedures prescribed by this Section 22.212.090. The Hearing Examiner shall provide notice of the hearing to all parties of record at least ten days prior to the scheduled hearing date.

E. The Hearing Examiner shall establish a record at the hearing. Appeals shall be considered de novo. The Hearing Examiner may affirm, reverse, remand, or modify the Director's decision. The Hearing Examiner's decision shall bind the Director and parties of record.

F. The Hearing Examiner shall issue a decision within 20 days after the date of record closure. The decision shall be final and conclusive. On the day the decision is issued, a copy of the decision shall be mailed or emailed to all parties of record and all other persons requesting a copy of the decision.

(Ord. 126451, § 2, 2022.)

22.212.100 - Administration, enforcement, and violations

A. The Director shall administer and enforce the provisions of this Chapter 22.212 and may adopt rules and regulations to implement the Director's duties established by this Chapter 22.212.

B. A restricted accounting unit designated as the Economic Displacement Relocation Assistance Account is established in the Construction and Inspections Fund, from which account the Director may make any payment authorized by this Chapter 22.212. Money from the following sources shall be paid into the Economic Displacement Relocation Assistance Account:

1. Fines and penalties collected pursuant to Sections 22.212.110 and 22.212.120;
2. Sums that may by ordinance be appropriated to or designated as revenue to the Account;
3. Other sums that may be deposited into the Account by gift, bequest, or grant;
4. Refund of monies paid to The City of Seattle as relocation assistance from the Account; and
5. Relocation assistance monies paid by owners to the Director pursuant to Section 22.212.060.

C. Any failure to comply with a requirement of this Chapter 22.212 or a rule or regulation adopted under this Chapter 22.212 is a violation of this Chapter 22.212, including, but not limited to:

1. Receipt of economic displacement relocation assistance pursuant to this Chapter 22.212 by a person not entitled to such assistance;
2. Failure by the household representative to refund the economic displacement relocation assistance payment as required by subsection 22.212.080.B; and
3. Failure by the owner to pay economic displacement relocation assistance pursuant to Section 22.212.060.

D. A separate violation of this Chapter 22.212 exists for each day there is a failure to comply with a requirement of this Chapter 22.212 or a rule or regulation adopted under this Chapter 22.212.

(Ord. 126451, § 2, 2022.)

22.212.110 - Citations

A. Citation. If after investigation the Director determines that a person has committed a violation of this Chapter 22.212, the Director may issue a citation to the person responsible for the violation. The citation shall include the following information:

1. The name and address of the responsible person to whom the citation is issued;
2. A reasonable description of the location of the property on which the relevant housing unit is located;
3. A separate statement of each requirement, rule, or regulation violated;
4. The date the violation occurred;
5. A statement that the person cited must respond to the citation within 15 days after service;
6. The applicable citation penalty;
7. A statement that a response must be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is due;
8. The name, address, and phone number of the Hearing Examiner where the citation is to be filed; and
9. A statement that the citation represents a determination that a violation has been committed by the responsible person named in the citation and that the determination shall be final unless contested as provided in subsection 22.212.110.C.

B. Service. The citation must be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of the responsible person named in the citation. Service shall be complete at the time of personal service, or if mailed, three days after the date of mailing.

C.

Response to a citation

1. The person cited must respond to a citation in one of the following ways:
    a. Payment of the citation penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation;
    b. A written request for a mitigation hearing to explain the circumstances surrounding the commission of the violation, with an address to which notice of such hearing may be sent; or
    c. A written request for a contested hearing specifying why the cited violation did not occur or why the person cited is not responsible for the violation, with an address to which notice of such hearing may be sent.
2. A response to a citation must be received by the Hearing Examiner by 5 p.m. within 15 days after the date service of the citation is complete.

D. Failure to respond. If the Hearing Examiner does not receive a response within the period prescribed by subsection 22.212.110.C.2, the Hearing Examiner shall enter an order finding that the person cited committed the violation stated in the citation and assessing the citation penalty specified in the citation.

E. Hearings
1. Mitigation hearing
    a. Date and notice. If the person cited requests a mitigation hearing, the Hearing Examiner shall hold a mitigation hearing within 30 days after the Hearing Examiner receives the written response to the citation requesting such hearing. The Hearing Examiner shall send notice of the time, place, and date of the hearing to the address specified in the request for hearing no later than ten days prior to the date of the hearing.
    b. Procedure at hearing. The Hearing Examiner shall hold an informal hearing that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. The Director may also attend the hearing and may present additional information, but is not required to attend.
    c. Disposition. The Hearing Examiner shall determine whether the person cited's explanation justifies reducing the citation penalty, but the citation penalty may not be reduced unless the Director affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the citation penalty include: whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation, but full compliance was prevented by a condition or circumstance beyond the control of the person cited.
    d.

Entry of order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a citation penalty in an amount determined pursuant to subsection 22.212.110.F, which amount the Examiner may reduce pursuant to the mitigation factors in subsection 22.212.110.E.1.c. The Hearing Examiner's decision is the final decision of the City on the matter.

2. Contested hearing

   a. Date and notice. If the person cited requests a contested hearing, the Hearing Examiner shall hold the hearing within 60 days after the Hearing Examiner receives the written response to the citation requesting such hearing.

   b. Hearing. The Hearing Examiner shall conduct a contested hearing pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this subsection 22.212.110.E.2. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

   c. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation that the person cited is alleged to have committed or by reason of defects or imperfections, provided that such lack of detail or defects or imperfections do not prejudice a substantial right of the person cited.

   d. Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if a substantial right of the person cited is not thereby prejudiced.

   e. Evidence at hearing. A certified statement or declaration that complies with RCW 9A.72.085 and is made by the Director shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration and any other evidence accompanying it shall be admissible without further evidentiary foundation. The person cited may rebut the Director's evidence and establish that the cited violation did not occur or that the person contesting the citation is not responsible for the violation.

   f. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose a citation penalty in an amount determined pursuant to subsection 22.212.110.F. If the violation has been corrected, the Hearing Examiner may reduce the citation penalty pursuant to the mitigation factors in

subsection 22.212.110.E.1.c. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation. The Hearing Examiner's decision is the final decision of the City on the matter.

3. Failure to appear for hearing. Failure of the person cited or their attorney to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the citation penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

F. Citation penalties

1. Unless reduced pursuant to subsection 22.212.110.E, the following citation penalties shall be assessed for violations of any provision of this Chapter 22.212:
   a. $1,000 for the first violation; and
   b. $2,000 for each subsequent violation within a five-year period.
2. Collection of penalties. If the person cited fails to pay a citation penalty imposed pursuant to this Section 22.212.110, the citation penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the citation penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

(Ord. 126451, § 2, 2022.)

22.212.120 - Notice of violation; penalties

A. If the Director determines that a violation of this Chapter 22.212 has occurred, the Director may serve a notice of the violation upon the person responsible for the violation. The Director may serve the notice by personal service, registered mail, or certified mail, to the last known address of the person responsible for the violation. The notice of violation shall identify the violation of this Chapter 22.212 and what corrective action is necessary to comply with the requirements of this Chapter 22.212.

B. In addition to any other sanction or remedial procedure that may be available, any person violating any provision of this Chapter 22.212 may be subject to a civil penalty in the amount of $1,000 per day for each violation from the date the violation began until the requirements of this Chapter 22.212 are satisfied, as applicable.

C. If a violation of this Chapter 22.212 resulted in a household representative not receiving economic displacement relocation assistance to which the household representative was entitled, the civil penalty shall be increased by the amount of the economic displacement relocation assistance that the household representative did not receive. The Director shall pay the household representative the economic displacement relocation assistance that was due.

D. If a violation of this Chapter 22.212 is for receipt of economic displacement relocation assistance by a person not entitled to such assistance because the person intentionally misrepresented material information regarding entitlement to assistance under subsection 22.212.100.C.1, the civil penalty shall be increased by the amount of economic displacement relocation assistance the household representative received. The Director shall refund the amount paid by the owner.

E. The civil penalty imposed by this Section 22.212.120 may be collected by civil action brought in the name of the City. Actions to enforce this Chapter 22.212 shall be brought exclusively in Seattle Municipal Court except as otherwise required by law or court rule. The Director shall notify the City Attorney of the name of any person subject to the civil penalty and the City Attorney may take action to collect the civil penalty. In any action filed pursuant to this Chapter 22.212, the City has the burden of proving by a preponderance of evidence that a violation exists or existed.

(Ord. 126451, § 2, 2022.)

22.212.130 - Warnings

Before issuing a citation or a notice of violation, the Director may, in an exercise of discretion, issue a warning to the person responsible for the violation if that person has not been previously warned or cited for violating this Chapter 22.212.

(Ord. 126451, § 2, 2022.)

Chapter 22.214 - RENTAL REGISTRATION AND INSPECTION ORDINANCE

22.214.010 - Declaration of purpose

The City Council finds that establishing a Rental Registration and Inspection Ordinance is necessary to protect the health, safety, and welfare of the public; and prevent deterioration and blight conditions that adversely impact the quality of life in the city. This shall be accomplished by requiring rental housing be registered and properly maintained, and that substandard housing conditions be identified and corrected.

(Ord. 124312, § 2, 2013 [renamed ordinance]; Ord. 124011, § 2, 2012 [renumbered from 6.440.010 and amended]; Ord. 123311, § 1, 2010.)

22.214.020 - Definitions

For purposes of this Chapter 22.214, the following words or phrases have the meaning prescribed below:

"Accessory dwelling unit" or "ADU" has a meaning defined in Section 23.84A.008.

"Certificate of Compliance" means the document issued by a qualified rental housing inspector and submitted to the Department by a property owner or agent that certifies the rental housing units that were inspected by the qualified rental housing inspector comply with the requirements of this Chapter 22.214.

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

"Department" means the Seattle Department of Construction and Inspections or successor Department.

"Director" means the Director of the Seattle Department of Construction and Inspections or the Director's designee.

"Housing Code" means the Housing and Building Maintenance Code in Chapters 22.200 through 22.208.

"Mobile home" means a " manufactured home" or a " mobile home" as defined in chapter 59.20 RCW.

"Owner" has the meaning as defined in RCW 59.18.030.

"Qualified rental housing inspector" means:

1. A City Housing and Zoning Inspector; or
2. A private inspector who is registered with the City as a qualified rental housing inspector under Section 22.214.060 and currently maintains and possesses at least one of the following credentials:
    a. American Association of Code Enforcement Property Maintenance and Housing Inspector certification;
    b. International Code Council Property Maintenance and Housing Inspector certification;
    c. International Code Council Residential Building Inspector certification;
    d. Washington State home inspector under chapter 18.280 RCW; or
    e. Other individuals with credentials acceptable to the Director as established by rule.

"Rental housing unit" means a housing unit that is or may be available for rent, or is occupied or rented by a tenant or subtenant in exchange for any form of consideration.

"Housing unit" means any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place; including but not limited to single-family residences, duplexes, triplexes, and four-plexes; multi-family units, apartment units, condominium units, rooming-house units, micro dwelling units, housekeeping units, single-room occupancy units, and accessory-dwelling units; and any other structure having similar living accommodations.

"Rental housing registration" means a registration issued under this Chapter 22.214.

"Rooming house" means, for the purposes of this Chapter 22.214, a building arranged or used for housing and that may or may not have sanitation or kitchen facilities in each room that is used for sleeping purposes.

"Shelter" means a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit organization or governmental entity, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

"Single-room occupancy unit" has the meaning in Section 22.204.200.

"Tenant" has the meaning given in Section 22.204.210.

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

"Unit unavailable for rent" means a housing unit that is not offered or available for rent as a rental unit, and where prior to offering or making the unit available as a rental housing unit, the owner is required to obtain a rental housing registration for the property where the rental housing unit is located and comply with all rules adopted under this Chapter 22.214.

(Ord. 127376, § 8, 2025; Ord. 124919, § 81, 2015 [department/department head name change]; Ord. 124312, § 3, 2013; Ord. 124011, § 3, 2012 [renumbered from 6.440.020 and amended]; Ord. 123311, § 1, 2010.)

22.214.030 - Applicability

A. The registration provisions of this Chapter 22.214 shall apply to all rental housing units with the exception of:

1. Housing units lawfully used as short-term rentals, if the housing unit is the primary residence of the short-term rental operator as defined in Section 23.84A.030;
2. Housing units rented for not more than 12 consecutive months as a result of the property owner, who previously occupied the unit as a primary residence, taking a work-related leave of absence or assignment such as an academic sabbatical or temporary transfer;
3. Housing units that are a unit unavailable for rent;
4. Housing units in hotels, motels, inns, bed and breakfasts, or similar accommodations that provide lodging for transient guests, but not including short-term rentals as defined in Section 23.84A.024 unless the short-term rental qualifies for an exemption under subsection 22.214.030.A.1;
5. Housing units in facilities licensed or required to be licensed under chapter 18.20, 70.128, or 72.36 RCW, or subject to another exemption under this Chapter 22.214;

6. Housing units in any state licensed hospital, hospice, community-care facility, intermediate-care facility, or nursing home;
7. Housing units in any convent, monastery, or other facility occupied exclusively by members of a religious order or congregation;
8. Emergency or temporary shelter or transitional housing accommodations;
9. Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution; and
10. Housing units that a government entity or housing authority owns, operates, or manages; or units exempted from municipal regulation by federal, state, or local law.

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

1. Rental housing units that receive funding or subsidies from federal, state, or local government when the rental housing units are inspected by a federal, state, or local governmental entity at least once every five years as a funding or subsidy requirement; and the rental housing unit owner or agent submits information to the Department within 60 days of being notified that an inspection is required that demonstrates the periodic federal, state, or local government inspection is substantially equivalent to the inspection required by this Chapter; and
2. Rental housing units that receive conventional funding from private or government insured lenders when the rental housing unit is inspected by the lender or lender's agent at least once every five years as a requirement of the loan; and the lender or lender's agent submits information to the Department within 60 days of being notified that an inspection is required that demonstrates the periodic lender inspection is substantially equivalent to the inspection required by this Chapter 22.214; and
3. Accessory dwelling units and detached accessory dwelling units, provided the owner lives in one of the housing units on the property and an "immediate family" member as identified subsection 22.205.010.E lives in the other housing unit on the same property.

(Ord. 125483, § 1, 2017; Ord. 124312, § 4, 2013; Ord. 124011, § 4, 2012 [renumbered from 6.440.030 and amended]; Ord. 123311, § 1, 2010.)

22.214.040 - Rental housing registration, compliance declaration, and renewals

A. With the exception of rental housing units identified in subsection 22.214.030.A, all properties containing rental housing units shall be registered with the Department according to the registration deadlines in this subsection 22.214.040.A. After the applicable registration deadline, no one shall rent, subrent, lease, sublease, let, or sublet to any person or entity a rental housing unit without first obtaining and holding a current rental housing registration for the property where the rental housing unit is located. The registration shall identify all rental housing units on

the property and shall be the only registration required for the rental housing units on the property. For condominiums and cooperatives, the property required to be registered shall be the individual housing unit being rented, and common areas accessible to the tenant of the housing unit, and not the entire condominium building, cooperative building, or development. If a property owner owns more than one housing unit in a condominium or cooperative building, the owner may submit a single registration application for the units owned in the building. Properties with rental housing units shall be registered according to the following schedule:

1. By July 1, 2014 all properties with ten or more rental housing units, and any property that has been subject to two or more notices of violation or one or more emergency orders of the Director for violating the standards in Chapters 22.200 through 22.208 where enforced compliance was achieved by the Department or the violation upheld in a final court decision;
2. By January 1, 2015 all properties with five to nine rental housing units; and
3. Between January 1, 2015 and December 31, 2016, all properties with one to four rental housing units shall be registered according to a schedule established by Director's rule. The schedule shall include quarterly registration deadlines; and shall be based on dividing the city into registration areas that are, to the degree practicable, balanced geographically and by rough numbers of properties to be registered in each area.

B. All properties with rental housing units constructed or occupied after January 1, 2014 shall be registered prior to occupancy or according to the registration schedule established in subsection 22.214.040.A, whichever is later.

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

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

E. The fees for rental housing registration, renewal, or reinstatement, or other fees necessary to implement and administer the Rental Registration and Inspection Ordinance program, shall be adopted by amending Chapter 22.900. A rental housing registration or renewal shall not be issued until all fees required under this Chapter 22.214 have been paid.

F. The new owner of a registered property shall, within 60 days after the sale is closed on a registered property, update the current registration information and post or deliver the updated registration according to subsection 22.214.040.I. When property is held in common with multiple owners, the registration shall be updated when more than 50 percent of the ownership changes.

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

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

3. The name, address, and telephone number of the registration applicant if different from the property owners;
4. The name, address, and telephone number of the person or entity the tenant is to contact when requesting repairs be made to their rental housing unit, and the contact person's business relationship to the owner;
5. A list of all rental housing units on the property, identified by a means unique to each unit, that are or may be available for rent at any time;
6. A declaration of compliance from the owner or owner's agent, declaring that all housing units that are or may be available for rent are listed in the registration application and meet or will meet the standards in this Chapter 22.214 before the units are rented; and
7. A statement identifying whether the conditions of the housing units available for rent and listed on the application were established by declaration of the owner or owner's agent, or by physical inspection by a qualified rental housing inspector.

H. A rental housing registration must be renewed according to the following procedures:
1. A registration renewal application and the renewal fee shall be submitted before the current registration expires;
2. All information required by subsection 22.214.040.G shall be updated as needed; and,
3. A new declaration as required by subsection 22.214.040.G.6 shall be submitted.

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

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

(Ord. 126157, § 1, 2020; Ord. 125705, § 1, 2018; Ord. 124312, § 5, 2013; Ord. 124011, § 5, 2012; [renumbered from 6.440.040 and replaced entire text]; Ord. 123311, § 1, 2010.)

22.214.045 - Registration denial or revocation

A. A rental housing registration may be denied or revoked by the Department as follows:
1. A registration or renewal registration application may be denied for:
a. Submitting an incomplete application; or
b.

Submitting a declaration of compliance the owner knows or should have known is false; and

2. A rental housing registration may be revoked for:
    a. Failing to comply with the minimum standards as required in this Chapter 22.214;
    b. Submitting a declaration of compliance or certificate of compliance the owner knows or should have known is false;
    c. Failing to use a qualified rental housing inspector;
    d. Failing to update and deliver or post registration information as required by subsection 22.214.040.F; or
    e. Failing to deliver or post the registration as required by subsection 22.214.040.I.

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

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

(Ord. 124312, § 6, 2013; Ord. 124011, § 6, 2012.)

22.214.050 - Inspection and certificate of compliance required

A. The Department shall periodically select, from registered properties containing rental housing units, the properties that shall be inspected by a qualified rental housing inspector for certification of compliance. The property selection process shall be based on a random methodology adopted by rule, and shall include at least ten percent of all registered rental properties per year. Newly constructed or substantially altered properties that receive final inspections or a first certificate of occupancy and register after January 1, 2014, shall not be included in the random property selection process for five years. After a property is selected for inspection, the Department shall provide at least 60 days' advance written notice to the owner or owner's agent to notify them that an inspection of the property is required. If a rental property owner chooses to hire a private qualified rental housing inspector, and also chooses not to inspect 100 percent of the rental housing units, the property owner or owner's agent shall notify the Department a minimum of five and a maximum of ten calendar days prior to the scheduled inspection, at which time the Department shall inform the property owner or owner's agent of the

units selected for inspection. If the rental property owner chooses to hire a Department inspector, the Department shall inform the property owner or owner's agent of the units selected for inspection no earlier than ten calendar days prior to the inspection.

B. The Department shall ensure that all properties registered under this Chapter 22.214 shall be inspected at least once every ten years, or as otherwise allowed or required by any federal, state, or city code. In addition, at least ten percent of properties whose prior inspections are more than five years old shall be reinspected each year. The Director shall by rule determine the method of selecting properties for reinspection.

C. If the Department receives a complaint regarding a rental housing unit regulated under this program, the Department shall request that an interior inspection of the rental housing unit identified in the complaint be conducted by a Department inspector using the general authority, process, and standards of Chapters 22.200 through 22.208. If, after inspecting the rental housing unit the Department received the complaint on, the Department determines the rental housing unit violates the standards in subsection 22.214.050.M and causes the rental housing unit to fail inspection under this Chapter 22.214, the Director may require that any other rental housing units covered under the same registration on the property be inspected following the procedures of this Section 22.214.050 for inspection timing, giving notice to tenants, and submitting a certificate of compliance. The inspection of any other rental housing units may be conducted by a private qualified rental housing inspector.

D. If a property subject to this Chapter 22.214 has within two years preceding the adoption of this Chapter 22.214 been subject to two or more notices of violation or one or more emergency orders of the Director for violating the standards in Chapters 22.200 through 22.208 where enforced compliance was achieved by the Department or the violation upheld in a final court decision, the rental property shall be selected for inspection during 2015 or within the first year of required inspections, consistent with the provisions of subsections 22.214.050.E through 22.214.050.M.

E. A certificate of compliance shall be issued by a qualified rental housing inspector, based upon the inspector's physical inspection of the interior and exterior of the rental housing units, and the inspection shall be conducted not more than 60 days prior to the certificate of compliance date. A certificate of compliance shall not be issued until all fees required under this Chapter 22.214 have been paid.

F. The certificate of compliance, which shall be submitted by the property owner or owner's agent within 60 days of receiving notice of a required inspection under this Section 22.214.050, shall:

1. Certify compliance with the standards as required by this Chapter 22.214 for each rental housing unit that was inspected;

2.

State the date of the inspection and the name, address, and telephone number of the qualified rental housing inspector who performed the inspection;

3. State the name, address, and telephone number of the property owner or owner's agent; and
4. Contain a statement that the qualified rental housing inspector personally inspected all rental housing units listed on the certificate of compliance.

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

1. A property owner may choose to inspect 100 percent of the units on the rental property and provide to the City only the certificate of compliance verifying that all units meet the required minimum standards. In the alternative, an owner may choose to have only a sample of the rental housing units inspected. If the applicant chooses to have a sample of the rental housing units inspected, 20 percent of the rental housing units, rounded up to the nearest whole number, are required to be inspected, up to a maximum of 50 rental housing units in each building. When fewer than 100 percent of the rental units on the property are inspected, the owner agrees to comply with subsection 22.214.050.J and submit copies of required inspection results in addition to the certificate of compliance.
2. For inspections of fewer than 100 percent of the rental housing units on a property, the Department shall select the rental housing units to be inspected under this Section 22.214.050 using a methodology adopted by rule.
3. If a rental housing unit selected by the Department fails the inspection, the Department may require that up to 100 percent of the rental housing units in the building where the unit that failed inspection is located be inspected for a certificate of compliance according to this Section 22.214.050. The Department shall use the following criteria to determine when additional units shall be inspected:
    a. If two or more rental housing units selected for inspection, or twenty percent or more of the inspected units, whichever is greater, fail the inspection due to not meeting the same checklist item(s) required by subsection 22.214.050.L, an additional 20 percent of the units on the property, rounded up to the nearest whole number, shall be inspected. If any of the additional rental housing units selected for inspection fail the inspection due to the same condition(s), 100 percent of the units in the building shall be inspected.
    b. If any single rental housing unit selected for inspection has five or more failures of different checklist items required by subsection 22.214.050.L, an additional 20 percent of units on the property, rounded up to the nearest whole number, shall be inspected. If any of the additional rental housing units selected for inspection also contain five or more failures, 100 percent of the units in the building shall be inspected.
    c.

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

H. Notice of inspection to tenants

1. Whether inspecting 100 percent of the units or only a sample, the owner or owner's agent shall, prior to any scheduled inspection, provide at least two days' advance written notice to all tenants residing in all rental housing units on the property advising the tenants that:
    a. Some, or all, of the rental housing units will be inspected. If only a sample of the units will be inspected, the notice shall identify the rental housing units to be inspected;
    b. A qualified rental housing inspector will enter the rental housing unit for purposes of performing an inspection according to this Chapter 22.214;
    c. The inspection will occur on a specifically identified date and at an approximate time, and the name of the company and person performing the inspection;
    d. A tenant shall not unreasonably withhold consent for the owner or owner's agent to enter the property as provided in RCW 59.18.150;
    e. The tenant has the right to see the inspector's identification before the inspector enters the rental housing unit;
    f. At any time a tenant may request, in writing to the owner or owner's agent, that repairs or maintenance actions be undertaken in the tenant's unit; and
    g. If the owner or owner's agent fails to adequately respond to the request for repairs or maintenance at any time, the tenant may contact the Department about the rental housing unit's conditions without fear of retaliation or reprisal.
2. The contact information for the Department as well as the right of a tenant to request repairs and maintenance shall be prominently displayed on the notice of inspections provided under this subsection 22.214.050.H.
3. The owner or owner's agent shall provide a copy of the notice of inspection to the qualified rental housing inspector on or before the day of the inspection.

I.

A rental housing property shall not be selected for inspection under subsection 22.214.050.A within five years of completing the inspection requirement and obtaining a certificate of compliance, unless the Department determines that the certificate is no longer valid because one or more of the rental units listed in the certificate of compliance no longer meets the standards as required in this Chapter 22.214. When the Department determines a certificate of compliance is no longer valid, the owner may be required to have all rental housing units on the property inspected by a qualified rental housing inspector, obtain a new certificate of compliance, and pay a new registration fee.

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

K. Nothing in this Section 22.214.050 precludes additional inspections conducted at the request or consent of a tenant, under the authority of a warrant, or as allowed by a tenant remedy provided for in chapter 59.18 RCW, as provided for under this Title 22, or as allowed by any other City code provision.

L. A checklist based on the standards identified in subsection 22.214.050.M shall be adopted by rule and used to determine whether a rental housing unit will pass or fail inspection.

M. The following requirements of Chapters 22.200 through 22.208 shall be included in the checklist required by subsection 22.214.050.L and used by a qualified rental housing inspector to determine whether a rental housing unit will pass or fail inspection:

1. The minimum floor area standards for a habitable room contained in Section 22.206.020. Subsection 22.206.020.A shall not apply to single room occupancy units;
2. The minimum sanitation standards contained in the following sections:
    a. Subsection 22.206.050.A. Subsection 22.206.050.A shall only apply to a single room occupancy unit if the unit has a bathroom as part of the unit;
    b. Subsection 22.206.050.D. Subsection 22.206.050.D shall only apply to a single room occupancy unit if the unit has a kitchen;
    c. Subsection 22.206.050.E;
    d. Subsection 22.206.050.F;
    e. Subsection 22.206.050.G; and

f. If a housing unit shares a kitchen or bathroom, the shared kitchen or bathroom shall be inspected as part of the unit inspection.

3. The minimum structural standards contained in Section 22.206.060;
4. The minimum sheltering standards contained in Section 22.206.070;
5. The minimum maintenance standards contained in the following subsections:
   a. Subsection 22.206.080.A;
   b. Subsection 22.206.080.B;
   c. Subsection 22.206.080.C;
   d. Subsection 22.206.080.D.
6. The minimum heating standards contained in Section 22.206.090;
7. The minimum ventilation standards contained in Section 22.206.100;
8. The minimum electrical standards contained in Section 22.206.110;
9. The minimum standards for mechanical equipment contained in Section 22.206.120;
10. The minimum standards for fire and safety contained in Section 22.206.130;
11. The minimum standards for security contained in Section 22.206.140;
12. The requirements for garbage, rubbish, and debris removal contained in subsection 22.206.160.A.1;
13. The requirements for extermination contained in subsection 22.206.160.A.3;
14. The requirement to provide the required keys and locks contained in subsection 22.206.160.A.11;
15. The requirement to provide and test smoke detectors contained in subsection 22.206.160.B.4; and
16. The requirement to provide carbon monoxide alarms contained in subsection 22.206.160.B.5.

(Ord. 126157, § 2, 2020; Ord. 125851, § 1, 2019; Ord. 125705, § 2, 2018; Ord. 125343, § 13, 2017; Ord. 124312, § 7, 2013; Ord. 124011, § 7, 2012 [renumbered from 6.440.050 and amended]; Ord. 123311, § 1, 2010.)

22.214.060 - Private qualified rental housing inspector registration

A. To register as a private qualified rental housing inspector, each registration applicant shall:
   1. Pay to the Director the registration fee as specified in Chapter 22.900;
   2. Successfully complete a rental housing inspector training program on the Seattle Housing and Building Maintenance Code, the Rental Registration and Inspection Ordinance, and program inspection protocols administered by the Director. Each applicant for the training program

shall pay to the Director a training fee set by the Director that funds the cost of carrying out the training program; and

3. Provide evidence to the Department that the applicant possesses a current City business license issued according to Chapter 6.208, and possesses current credentials as defined in Section 22.214.020.

B. All rental housing inspector registrations automatically expire two years after the registration was issued and must be renewed according to subsection 22.214.060.C.

C. In order to renew a registration, the qualified rental housing inspector shall:

1. Pay the renewal fee specified in Chapter 22.900; and
2. Provide proof of compliance with subsections 22.214.060.A.2 and 22.214.060.A.3.

D. A qualified rental housing inspector who fails to renew their registration is prohibited from inspecting and certifying rental housing under this Chapter 22.214 until the inspector registers or renews a registration according to Section 22.214.060.

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

1. Knows or should have known that information on a Certificate of Compliance issued under this Chapter 22.214 is false; or
2. Is convicted of criminal activity that occurs during inspection of a property regulated under this Chapter 22.214.

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

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

(Ord. 124963, § 13, 2015 [cross-reference update]; Ord. 124312, § 8, 2013; Ord. 124011, § 8, 2012 [renumbered from 6.440.060 and amended]; Ord. 123311, § 1, 2010.)

22.214.070 - Enforcement authority and rules

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

B. The Director is authorized to adopt rules as necessary to carry out this Chapter 22.214 including the duties of the Director under this Chapter 22.214.

(Ord. 124011, § 9, 2012 [renumbered from 6.440.070 and amended; Ord. 123311, § 1, 2010.)

22.214.075 - Violations and enforcement

A. Failure to comply with any provision of this Chapter 22.214, or rule adopted according to this Chapter 22.214, is a violation of this Chapter 22.214 and subject to enforcement as provided for in this Chapter 22.214. In addition, and as further provided by Chapter 22.205, owners may not issue a notice to terminate tenancy to evict residential tenants from rental housing units if the units are not registered with the Seattle Department of Construction and Inspections as required by Section 22.214.040.

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

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

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

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

(Ord. 125954, § 2, 2019; Ord. 124919, § 82, 2015 [department name change and other cleanup]; Ord. 124738, § 2, 2015; Ord. 124011, § 10, 2012.)

22.214.080 - Investigation and notice of violation

A. If after an investigation the Director determines that the standards or requirements of this Chapter 22.214 have been violated, the Director may issue a notice of violation to the owners. The notice of violation shall state separately each standard or requirement violated; shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance that shall generally not be longer than 30 days. The compliance period shall not be extended without a showing that the owner is working in good faith and making substantial progress towards compliance.

B. When enforcing provisions of this Chapter 22.214, the Director may issue warnings prior to issuing notices of violation.

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

D.

A copy of the notice of violation may be filed with the King County Recorder's Office when the owner fails to correct the violation or the Director requests the City Attorney take appropriate enforcement action.

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

(Ord. 124312, § 9, 2013; Ord. 124011, § 11, 2012.)

22.214.085 - Civil enforcement

In addition to any other remedy authorized by law or equity, civil actions to enforce this Chapter 22.214 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 22.214. In any civil action filed according to this Chapter 22.214, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed. The issuance of the notice of violation is not itself evidence that a violation exists.

(Ord. 124312, § 10, 2013; Ord. 124011, § 12, 2012 [renumbered from 6.440.080 and replaced entire text]; Ord. 122311, § 1, 2010.)

22.214.086 - Penalties

A. In addition to the remedies available according to Sections 22.214.080 and 22.214.085, and any other remedy available at law or in equity, the following penalties shall be imposed for violating this Chapter 22.214:

1. Any person or entity violating or failing to comply with any requirement of this Chapter 22.214 or rule adopted under this Chapter 22.214 shall be subject to a cumulative civil penalty of $150 per day for the first ten days the violation or failure to comply exists and $500 per day for each day thereafter. A separate violation exists for each day there is a violation of or failure to comply with any requirement of this Chapter 22.214 or rule adopted under this Chapter 22.214.
2. Any person or entity that knowingly submits or assists in submitting a falsified certificate of compliance, or knowingly submits falsified information upon which a certificate of compliance is issued, shall be subject to a penalty of $5,000 in addition to the penalties provided for in subsection 22.214.086.A.1.

B. When the Director has issued a notice of violation according to Section 22.214.080, a property owner may appeal to the Director the notice of violation or the penalty imposed. The appeal shall be made in writing within ten days after service of the notice of violation. When the last day of the

period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. of the next business day.

C. After receiving an appeal, the Director shall review applicable rental registration information in the Department's records, any additional information received from the property owner, and if needed request clarifying information from the property owner or gather additional information. After completing the review the Director may:

1. Sustain the notice of violation and penalty amount;
2. Withdraw the notice of violation;
3. Continue the review to a date certain for action or receipt of additional information;
4. Modify or amend the notice of violation; or
5. Reduce the penalty amount.

D. Reductions in the penalty amount may be granted by the Director when compliance with the provisions of this Chapter 22.214 has been achieved and a property owner can show good cause or factors that mitigate the violation. Factors that may be considered in reducing the penalty include but are not limited to whether the violation was caused by the act or neglect of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

E. Penalties collected as a result of a notice of violation, civil action, or through any other remedy available at law or in equity shall be directed into the Rental Registration and Inspection Ordinance Enforcement Account.

(Ord. 125343, § 14, 2017; Ord. 124312, § 11, 2013.)

22.214.087 - Rental Registration and Inspection Ordinance Enforcement Accounting unit

A restricted accounting unit designated as the "Rental Registration and Inspection Ordinance Enforcement Account" is established in the Construction and Inspections Fund from which account the Director is authorized to pay or reimburse the costs and expenses incurred for notices of violation and civil actions initiated according to Sections 22.214.080 and 22.214.085. Money from the following sources shall be paid into the Rental Registration and Inspection Ordinance Enforcement Account:

A. Penalties collected according to Section 22.214.086 for enforcing this Chapter 22.214 according to the notice of violation process described in Section 22.214.080;

B. Penalties collected according to Section 22.214.086 for enforcing this Chapter 22.214 when a civil action has been initiated according to Section 22.214.085;

C. Other sums that may by ordinance be appropriated to or designated as revenue the account; and

D. Other sums that may by gift, bequest, or grant be deposited in the account.

(Ord. 125492, § 92, 2017 [fund name change]; Ord. 124919, § 83, 2015 [fund name change]; Ord. 124312, § 12, 2013.)

22.214.090 - Appeal to superior court

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

(Ord. 124011, § 14, 2012.)

Chapter 22.220 - DOWNTOWN HOUSING MAINTENANCE

(Ord. 112383 § 22, 1985.)

22.220.010 - Title for citation.

The ordinance codified in this chapter shall be cited as the "Downtown Housing Maintenance Ordinance."

(Ord. 112383 § 1, 1985.)

22.220.020 - Findings.

The Seattle City Council hereby finds:

A. Low-income housing in downtown and adjacent lower First Hill is a scarce and diminishing resource. There has been a net loss of more than fifteen thousand (15,000) housing units in the downtown since 1960.

B. There exists an extreme shortage of low-income rental housing in the downtown area, resulting in a negligible vacancy rate for habitable low-income housing.

C. Many low-income tenants are unable to locate rental housing of any kind. These homeless persons are increasingly seeking housing in already overcrowded emergency shelters, and when such shelters are full, finding themselves on the City's streets.

D. Due to the drastic reduction in public funding, particularly federal funding, allocated to low-income housing since 1980, there are very few resources available to preserve or add new units to the existing supply of low-income housing.

E. Existing rental units in the downtown and adjacent lower First Hill constitute most of the remaining low-income rental housing in the City. The number of such units downtown is diminishing as a result of increased pressure for more intensive development downtown. Plans for major downtown development adjacent to lower First Hill have also put increased pressure on the low-income rental housing on lower First Hill.

F. Frequently, development speculation results in the premature closure of habitable existing buildings and the withdrawal of low-income rental units from the market long before such closure would be needed for any physical redevelopment of such buildings' sites.

G. There exists, especially in the downtown and adjacent First Hill a substantial number of abandoned or vacant residential units which create blight and constitute a danger to public health, safety and welfare.

H. Buildings which are vacant and not carefully secured and maintained frequently attract homeless persons seeking temporary shelter. This unsupervised use of these unheated buildings results in a fire hazard to the buildings and to the residents of nearby structures.

I. Because of the conditions described above, there exists in the city a housing emergency. This necessitates that existing low-income rental housing in the downtown and adjacent lower First Hill be both maintained and offered for rent.

(Ord. 112383 § 2(A), 1985.)

22.220.030 - Purpose.

This chapter, therefore, is enacted to supplement the City's existing housing and building and safety codes and:

A. To reduce blight and threats to public health, safety and welfare by requiring that low-income units be both maintained and offered for rent, where feasible;

B. To relieve the effects of the City's housing emergency by preventing the premature withdrawal of units from the rental market;

C. To maximize the use of existing scarce low-income housing resources;

D. To provide public financial and management support, where appropriate, to assist owners to maintain low-income units in safe and habitable condition and available for occupancy;

E. To respect the owner's right to use and control private property, consistent with the above purposes and constitutional protections.

(Ord. 112383 § 2(B), 1985.)

22.220.040 - Definitions.

A. "Director" means the Director of the Seattle Department of Construction and Inspections or the Director's designee.

B. "Downtown" means that portion of the City between the waterfront and Interstate Five (I-5) and between Royal Brougham Way and Denny Way.

C.

"Lower First Hill" means that portion of the City between Interstate Five (I-5) and Boren Avenue and between Pike Street and James Street.

D. "Low-income rental unit" means all rental units which have been rented at or below thirty percent (30%) of fifty percent (50%) of the median income for comparably sized households in the Seattle Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development at any time during the two (2) year period prior to an inspection or complaint instituted under this chapter. Household size for a SRO or studio unit shall be deemed to be one (1) person, for a one (1) bedroom unit shall be deemed to be two (2) persons, and for a two (2) bedroom unit shall be deemed to be three (3) persons.

E. "Owner" means any person who, alone or jointly, has title to or an ownership interest in any building, with or without actual possession thereof, including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

F. "Person" means any individual, firm, corporation, association or partnership and its agents or assigns.

G. "Rental units" means any dwelling unit, housekeeping room, or guest room as defined in the Seattle Housing Code (Chapter 22.204 of the Seattle Municipal Code) which has been occupied by tenants pursuant to rental agreements, oral or written, express or implied.

H. "SRO (single room occupancy)" means an existing housing unit with one (1) main sleeping and living room of at least seventy (70) square feet. Such housing unit may also include a kitchen niche or cooking facilities and/or a private bath or may share common bathroom facilities and/or cooking facilities.

(Ord. 124919, § 84, 2015; Ord. 121276 § 21, 2003; Ord. 112383 § 3, 1985.)

22.220.050 - Applicability of chapter.

The provisions of this chapter shall apply to all low-income rental units if such rental units are situated in buildings located downtown or in lower First Hill and if such buildings contained any occupied rental units on or after November 5, 1984.

(Ord. 112383 § 4, 1985.)

22.220.060 - Low-income rental units—Rental responsibility.

A. Owners of habitable low-income rental units shall make a good-faith effort to rent all such units.

B. An owner's failure or refusal to make such a good-faith effort to rent shall constitute a violation of this chapter.

C.

In determining whether an owner is failing or refusing to make a good-faith effort to rent habitable low-income rental units, the Director may consider any actions by the owner which are inconsistent with keeping such units rented. Evidence of a lack of good faith may include, but shall not be limited to, the following:

1. Maintaining a building vacancy rate in excess of twenty percent (20%);
2. Failing to offer an unoccupied unit for rent within seven (7) days of the unit becoming unoccupied, except under the circumstances provided for in Section 22.220.110;
3. Offering units for rental at a rental rate which substantially exceeds prevailing rents for comparable rental units;
4. Significantly reducing building services;
5. Changing rules, regulations, terms or conditions of tenancy so as to substantially and detrimentally affect the rights and obligations of tenants or prospective tenants;
6. Wilfully or wantonly failing to comply with applicable codes with respect to the low-income rental units or building, the violation of which substantially endangers or impairs the health or safety of the occupants;
7. Committing or causing vandalism or the intentional destruction of a rental unit or building;
8. Knowingly permitting a tenant to commit waste or to vandalize a rental unit.

(Ord. 114865 § 1, 1989; Ord. 112383 § 5, 1985.)

22.220.070 - Low-income rental units—Repair responsibility.

A. Owners of low-income rental units shall repair such units when such units can feasibly be made habitable. A unit can feasibly be made habitable if, after consideration of variances, deferrals and extensions of time for compliance as provided in Section 22.220.080 of this chapter, the cost of the repairs necessary to make the unit habitable does not exceed the amount which the owner may be required to contribute as provided in subsections B, C, and D of this section, together with the amount to be contributed by the City.

B. Except as provided in subsection D below, the owner's contribution to the cost of repairs necessary to make a low-income rental unit habitable shall not exceed Three Thousand Dollars ($3,000.00) per low-income rental unit for any three (3) year period, and the total repair cost of any low-income rental unit under this subsection shall not exceed Six Thousand Dollars ($6,000.00) per low-income rental unit for any three (3) year period.

C. In determining the cost of repairing a low-income rental unit, the following rules shall apply:

1. The costs of repair shall include only repairs necessary to meet the minimum requirements of the Housing and Building Maintenance Code, SMC Chapter 22.206, except those requirements varianced or deferred pursuant to Section 22.220.080 of this chapter.

2. The cost of repairs to common areas or building systems shall be allocated to all the low-income rental units in the building which are required to be offered for rent, not solely to low-income rental units which are vacant or not habitable; provided that, if the shared building systems and/or common area costs allocated to one (1) or more units would cause those units to exceed the maximum total stated above, the excess allocated shared costs may be reallocated among the remaining units required to be offered for rent to the extent that such reallocation does not cause the total repair costs of such remaining units to exceed the maximum cost stated in subsection B of this section.
3. The unit-specific costs of repairing low-income rental units shall be allocated to specific units.
4. Costs of all capital repairs shall be included in calculating the owner's maximum contribution over a three (3) year period. The costs of ordinary maintenance shall not be included. For the purposes of this section, all repairs which are ordered to remedy code violations upon the first inspection of a rental unit under this chapter shall be deemed capital repairs; during subsequent inspections capital costs for repairs to correct code violations shall be counted only if the Director determines that such repairs are not ordinary maintenance.
5. Any individual unit whose total unit-specific and allocated shared repair costs exceed the maximum allowed by this chapter shall be determined to be not feasible to repair.

D. The owner's required contribution to the repair of a unit shall be unlimited to the extent that the unit is not habitable because the owner has:
1. Wilfully or wantonly failed to comply with applicable building and safety codes; or
2. Committed or caused vandalism or the intentional destruction of any rental unit in the building; or
3. Knowingly permitted a tenant to commit waste or to vandalize a rental unit.

(Ord. 114865 § 2, 1989; Ord. 112383 § 6, 1985.)

22.220.080 - Variances, deferrals and extended time for compliance.

A. In specific buildings containing low-income rental units, the Director may authorize under conditions specified in subsections 22.220.080.B and 22.220.080.C the following types of departure from the standards and requirements of Chapter 22.205 and Sections 22.206.020 through 22.206.160:
1. A variance;
2. A deferral from compliance for up to three (3) years, with the possibility of one (1) renewal for up to an additional three (3) years;
3.

Extended time for compliance, with repair work scheduled over a period not to exceed eighteen (18) months, provided that such schedule is arranged to minimize as much as possible the amount of time a unit is not available for occupancy.

B. The Director may grant the departures authorized by this section if he or she determines that both of the following conditions or circumstances exist:

1. A literal interpretation and strict application of the standards and requirements would result in an undue or unnecessary hardship, other than solely a financial hardship, and would adversely affect the preservation and enjoyment of a substantial property right of the owner or tenant of the subject building; and
2. Because of the conditions or circumstances applying to the subject building or to the occupancy thereof, the departure will not be materially detrimental or injurious to the safety, health, or general welfare of the occupants thereof of neighboring property or occupancies or of the public.

C. In addition, in determining whether or not any departure from the requirements of the Housing Code is appropriate and, if so, whether to grant a variance, a deferral, or extended time for compliance, the Director shall consider, among others, the following factors:

1. The remaining useful life of the unit or building and the length of time it is likely to be available for low-income occupancy;
2. How materially the departure would affect the living conditions of the tenants;
3. The permanency of the condition of the item, unit, structure, or system for which the departure is sought and the degree to which it might deteriorate over the period for which the departure is sought;
4. The difficulty of bringing the item, unit, structure or system into compliance if the departure is not granted.

D. Examples of items which might be variances, deferred or given extended time for compliance are shown below. Since no two (2) buildings are ever alike and the nature and extent of violations could change over short periods of time, these examples would not apply in all cases. The examples stated below are for illustrative purposes only and are not intended as a complete or exclusive list of the items which may be deferred or the nature of the deferral which might be granted.

1. Examples of items, which, under appropriate circumstances might be varianced include:

Section 22.206.030: Floor Area—This section provides for the minimum space and occupancy standards of the Housing Code. For example, a dwelling unit is required to have at least one (1) room which shall have not less than one hundred twenty (120) square feet of floor area, etc.... A variance could be granted where areas are (1) or two (2) percent smaller than required.

Section 22.206.050: Bathroom Fixtures—Lavatories are required to be provided on each floor at a rate of one (1) for every additional ten (10) guests, etc.... A variance can be granted for a lesser number of bathroom lavatories especially when rooms are equipped with operating lavatory sinks.

Section 22.206.110: Electrical—Kitchens are to be provided with not less than three (3) outlets. A variance can be granted to allow less than three (3) electrical outlets generally based on the small size of the kitchen.

2. Examples of items, which, under appropriate circumstances might be deferred include:

Section 22.206.050: Kitchen—Every dwelling unit must be provided with a kitchen, and every kitchen must be provided with a sink, hot and cold running water, counter work space, cabinets, etc.... A deferral could be granted for the counter space requirement if a table is provided that could serve as counter space.

Section 22.206.120: Stair Construction—Every required stairway, except in dwellings are required to have headroom clearance of not less than six (6) feet six (6) inches measured vertically, etc.... A deferral could be granted, provided adequate padding and warning signs were installed.

Section 22.206.060: Structural Components—Structural components of buildings shall be reasonably decay free. A building that appears to have a limited useful life has window sills and sashes with dry rot. A deferral could be granted for dry rot in wooden window sills where no moisture is seeping through the sill and no weather is coming through the meeting of the sill and sash. A deferral could not be granted for dry rot in the window sash, since such dry rot would make the windows unsafe for tenants to use.

The deferral for the window sill could be revoked if, upon subsequent inspection, conditions had deteriorated and moisture was seeping into the wall or the room.

3. Examples of items, for which, under appropriate circumstances an extended time for compliance might be authorized include:

Section 22.206.070: Shelter—Every building shall be protected so as to provide shelter for the occupants against the weather. A building roof has a number of leaks and an inspection in November reveals that the building must be completely reroofed. Work to patch the leaks is ordered and scheduled immediately; an extension for reroofing is granted until late the following spring, to be scheduled when the weather is more accommodating.

Section 22.206.080: Maintenance—Every foundation, room and exterior wall, etc., shall be reasonably weathertight, watertight, damp free, etc. A large building has leaky mortar joints in the exterior walls, but an inspecting structural engineer has determined that the wall is sound enough

to permit the owner an extended period of time during which to schedule the repair, e.g., two (2) sides during one (1) summer, the remaining two (2) sides during a second summer.

E. The Director of Housing or his or her designee is hereby authorized to apply to the Director for any departure from the Housing and Building Maintenance Code authorized by this section. No other person is authorized to make such application.

F. If the Director determines after inspection of a unit or building that a condition or circumstance has changed which materially and detrimentally affects the health or safety of the tenants, their neighbors, or the general public, the Director may revoke an order granting a deferral or extended time for compliance.

G. In addition, the departures authorized under this section shall be automatically revoked for any unit which is no longer available for low-income occupancy as defined by this chapter.

(Ord. 119273 § 40, 1998; Ord. 115958, § 29, 1991; Ord. 114865 § 3, 1989; Ord. 112383 § 7, 1985.)

22.220.090 - Loans and grants to owners

A. The Director of Housing may authorize loans and grants to owners and receivers from the Housing Program Support Fund described in Section 22.220.100 and/or from such Community Development Block Grant funds or other similarly restricted funds as may have been appropriated for the rehabilitation of rental units downtown or may in the future be appropriated specifically for the repair of low income rental units pursuant to this Chapter 20.220. Such loans and grants shall be made only for the reasonable cost of repairs necessary to make low income rental units habitable and for the reasonable cost of any other repairs to the building in which such units are located which are necessary to make such units habitable. Such loans and grants shall be made only in accordance with the criteria set forth in this Section 22.220.090.

B. The Director of Housing may make grants for repairs necessary to make low income rental units habitable. The maximum grant amount shall be Three Thousand Dollars ($3,000) per unit, to be awarded after the owner has committed his or her own maximum contribution to the repair of a unit.

C. The Director of Housing may extend loans for the repair of low income units as follows:

1. The maximum loan amount shall be Six Thousand Dollars ($6,000) per unit.
2. The Director of Housing may authorize the forgiveness of such loans at a rate of twenty (20) percent per year, with a maximum forgiveness of One Thousand Dollars ($1,000) per year for each year the unit remains available for low income occupancy, such forgiveness to continue until the entire amount has been forgiven; provided that the unit continues to be available for low income occupancy during the entire forgiveness period.
3.

The loans shall be made with no interest charged while the unit remains available for low income occupancy.

4. If for any reason the units become unavailable for low income occupancy, the remainder of the loan shall be required to be repaid, and in addition the Director of Housing may require the immediate repayment of the remaining balance or said Director of Housing may charge interest on the remaining balance at the then prevailing rate for the Washington State Housing Finance Commission bond program.

D. The total amount of grants and loans authorized under this section shall not exceed Six Thousand Dollars ($6,000) per unit for any three (3) year period.

E. The Director of Housing shall prescribe such additional terms and conditions of such loans and grants as he or she deems appropriate. Within 30 days of September 7, 1985, the Director of Housing shall promulgate regulations describing the circumstances under which loans and grants will be approved and the general terms and conditions of such loans and grants.

(Ord. 125492, § 66, 2017; Ord. 119273 § 41, 1998: Ord. 115958, § 30, 1991; Ord. 114865 § 4, 1989; Ord. 112383 § 8, 1985.)

22.220.100 - Housing Program Support Fund

A. There is hereby created in the City Treasury a fund within the Low-Income Housing Fund designated the Housing Program Support Fund, from which account grants and loans as specified in Section 22.220.090 may be made to owners or receivers to assist them in placing low-income rental units in habitable condition and from which account shall be paid costs and expenses incurred by the City in connection with the repair of low-income rental units or buildings that can feasibly be made habitable.

B. Money from the following sources shall be deposited in the fund:

1. Such sums as may be received by gift, bequest or contractual arrangement for maintenance and rehabilitation of downtown low-income rental housing purposes; and

2. Such sums as may be recovered by the City as repayment of loans or as reimbursement of costs or expenses of repair of units that were found to be uninhabitable where such funds originated from this account.

C. The moneys in the account are hereby appropriated for the purposes described above and the Director of Finance and Administrative Services is authorized to draw and to pay the necessary warrants upon vouchers approved by the Director of Housing from the appropriated account. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services may elect to make payment by check, electronic payment, or credit card.

(Ord. 125492, § 67, 2017; Ord. 123361, § 379, 2010; Ord. 120794 § 290, 2002; Ord. 120114 § 45, 2000; Ord. 119273 § 42, 1998; Ord. 166368 § 294, 1992; Ord. 115958, § 31, 1991; Ord. 113834 § 10, 1988; Ord. 112383 § 9, 1985.)

22.220.110 - Duty to repair and rent—Termination conditions.

A. The owner's duty to repair low-income rental units that can feasibly be made habitable and the owner's duty to make a good-faith effort to rent low-income rental units shall cease if any of the following circumstances occur:
   1. The Director determines that it is not feasible to repair units pursuant to Sections 22.220.070 and 22.220.130 or pursuant to the administrative relief provisions in this section and Section 22.220.120; or
   2. A demolition or change of use permit covering the units is issued under the Tenant Relocation Assistance Ordinance (Chapter 22.210 of the Seattle Municipal Code) or any successor ordinance and the owner complies with the terms of said ordinance; or
   3. The rental rate at which the units are offered for rent has exceeded the low-income rental rate established in subsection D of Section 22.220.040 for more than two (2) years; or
   4. The rental unit is occupied by the owner as his or her personal residence.

B. There shall be no duty to offer a low-income rental unit for rent during a reasonable period of time necessary to repair or rehabilitate a unit or building if such repair or rehabilitation makes occupancy of that unit temporarily impracticable.

(Ord. 112383 § 10, 1985.)

22.220.120 - Duty to repair and rent—Administrative relief.

In accordance with the procedures specified in Section 22.220.130, the Director may provide full or partial relief from the duty to offer low-income rental units for rent and/or the duty to make low-income rental units habitable, if the owner establishes with clear and convincing proof that:

A. The literal interpretation and strict application of the duty to offer for rent or the duty to make habitable constitute an unconstitutional taking of the owner's property;

B. The requested relief would be consistent to the extent possible with the objectives of this chapter;

C. The requested relief does not go beyond the minimum necessary to prevent the unconstitutional taking of property, and does not constitute a grant of special privilege inconsistent with the limitations upon other similar properties.

(Ord. 112383 § 11, 1985.)

22.220.130 - Failure to rent or repair—Administrative investigation and determination.

A. Inspection. The Director shall inspect any building that he or she has reason to believe contains low-income rental units that the owner is not making a good-faith effort to rent or low-income rental units that are not habitable but could feasibly be made habitable. The Director may, upon presentation of proper credentials and with the consent of the occupant or owner, or pursuant to a lawfully issued warrant, enter at reasonable times any building, structure or premises in the City to perform any duty imposed by the ordinance codified herein.

B. Application for and Determination on Departures.

1. If the Director finds low income rental units that are not habitable, he or she shall notify the Director of Housing, who shall have fifteen (15) days to determine if a departure or departures as authorized in Section 22.220.080 is appropriate and, if so, to recommend such departures to the Director.

C. Determination of Feasibility to Make Units Habitable. After the Director has received and considered the recommendations of the Director of Housing on the requested departures, if any, he or she shall, using the standards as prescribed in Section 22.220.070, make a determination as to the feasibility of making the uninhabitable units habitable. The Director may grant, modify or deny the recommended departures.

D. Issuance of Complaint and Notice.

1. If the Director finds that the owner has not made a good-faith effort to rent or that the building contains low income rental units that are not habitable but could feasibly be made habitable, he or she shall serve upon the owner of the building, as shown upon the records of the Department of Records and Elections of King County, a complaint, identifying the specific low income rental units which are not being offered for rent in good faith, the specific uninhabitable low income rental units that could feasibly be made habitable, and, where applicable, the corrective action which the owner must take to make any low income rental unit habitable and the amount of assistance which may be available to the owner as determined by the Director of Housing.

The complaint shall be delivered by personal service, registered mail, or certified mail with return receipt requested, and shall be posted in a conspicuous place on the property. No complaint shall be issued for uninhabitable units if the owner holds a valid permit for the repairs, alterations, or improvements necessary to correct the noted deficiencies and is, in the opinion of the Director, making reasonable progress toward correcting those deficiencies.

2. The complaint shall:

a. Contain a notice that a hearing will be held before the Director at a specified time and place not less than ten (10) nor more than thirty (30) days after service of the complaint;

b. Explain that all parties have the right to file an answer to the complaint;

c. Advise the parties that they may appear in person or by representative and give testimony at the time and place designated in the complaint; and

d. Advise the parties that they may seek relief and present evidence as to whether or not administrative relief from the strict enforcement of the requirements of this chapter as provided in Section 22.220.120 should be granted.

3. A copy of the complaint shall be filed with the King County Department of Records and Elections. In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to the occupants of all rental units and/or commercial units in the building a notice informing the occupants of the filing of the complaint and advising them of the relevant procedures.

E. Administrative Hearing. The Director shall hold a hearing at the time and place specified in the complaint to take testimony on the allegations stated in the complaint and the defenses to such allegations and to receive evidence as to whether or not administrative relief should be granted in accordance with the standards set forth in Section 22.220.120, if such relief is sought by the owner at the hearing.

F. Report of Director of Housing on Request for Administrative Relief. When administrative relief is sought pursuant to Section 22.220.120, the Director shall request from the Director of Housing a report and recommendation analyzing whether application of the duties from which relief is sought would constitute an unconstitutional taking and the nature of the relief which would be appropriate, if any. The Housing Director's report shall be made available to the owner and to any member of the public who requests it. The owner and any member of the public shall have fourteen (14) days from the date the report is published to make comments to the Director concerning the appropriateness of the relief requests.

G. Determination and Order of Director After Hearing. After the hearing provided for in subsection E of this section and the report and public comment provided for in subsection F of this section the Director shall issue a written decision granting or denying administrative relief, if such relief has been requested and, if upon consideration of the complete record before him or her the Director determines that the owner is not making a good-faith effort to rent low-income rental units, or that the owner's building contains low-income rental units that are not habitable but could feasibly be made habitable, then he or she shall issue and cause to be served upon the owner in the manner provided in subsection D and shall post in a conspicuous place on the property, an order requiring the owner to repair, alter, or improve the uninhabitable units and/or make a good-faith effort to rent vacant low-income rental units in the building within a time to be specified in the order. When determining a time for compliance, the Director shall take into consideration:

1. Any departures granted pursuant to Section 22.220.080;
2. Any administrative relief granted pursuant to Section 22.220.120;
3. The availability of City funds for repair of the units;
4. The type and degree of hazard cited in the complaint;
5. The owner's ability to correct the noted deficiencies;
6. The procedural requirements for obtaining a permit to correct the noted deficiencies;
7. The complexity of the required repairs or corrective action, including seasonal considerations, construction requirements and the legal rights of affected tenants; and
8. Circumstances beyond the owner's control.

(Ord. 119273 § 43, 1998; Ord. 115958, § 32, 1991; Ord. 114865 § 5, 1989; Ord. 112383 § 12, 1985.)

22.220.140 - Appeal—From Director's order

A. Within 15 days from the date of service and posting of an order issued by the Director, the owner may file a written notice of appeal with the Office of the Hearing Examiner. The notice of appeal shall state the specific errors in the Director's order of proceedings and the specific grounds upon which a reversal or modification of the order is sought. The Director's decision to grant or deny administrative relief pursuant to Section 22.220.120 and the issues determined therein shall not be appealable to the Hearing Examiner. The notice of appeal shall be accompanied by the filing fee provided in Section 3.02.125.

B. The Hearing Examiner shall consider the appeal in accordance with the procedures established by Chapter 3.02 for hearing contested cases. Notice of hearing shall be provided to all parties not less than ten days prior to the hearing. The Hearings Examiner's review shall be de novo. The Hearing Examiner may affirm the order of the Director, or may reverse or modify the order only if it is determined that the Director's decision is clearly erroneous.

C. The Hearing Examiner shall provide the final written decision containing findings of fact and conclusions of law to the parties of record and file it with the King County Recorder.

D. The Director's order shall not be final until the time for filing an appeal with the Hearing Examiner has expired or until the issuance of the Hearing Examiner's decision if an appeal is taken; provided that, if the Director determines that the deficiencies noted in the complaint will cause immediate and irreparable harm, and so states in the notice and order issued, the order shall be final upon issuance by the Director.

(Ord. 123900, § 3, 2012; Ord. 123899, § 22, 2012; Ord. 114865 § 6, 1989: Ord. 112383 § 13, 1985.)

22.220.150 - Appeal—Petition to Superior Court.

Any appeal of a decision issued by the Hearing Examiner pursuant to Section 22.220.140 of this chapter must be filed in the Superior Court within thirty (30) days of the Hearing Examiner's decision.

(Ord. 112383 § 14, 1985.)

22.220.160 - Certificate of compliance—Issuance conditions.

A. If the Director finds that the repairs, alterations, improvements or other actions required in a final order have been satisfactorily completed, he or she shall prepare and, upon request therefor, issue to any party upon whom the final order was served, a certificate of compliance, stating that the deficiencies noted in the final order have been corrected. The certificate of compliance shall be filed with the King County Department of Records and Elections.

B. The issuance of a certificate of compliance shall not be construed to relieve from or lessen the responsibility and liability of any person owning, operating or controlling any building or structure or owning, operating, controlling, or installing any equipment therein for any injury, death, damage, and/or loss of any sort sustained by any person, organization, or corporation arising out of any condition of the building, structure, or equipment; nor shall The City of Seattle or the Director be held to assume any liability by reason of any inspection, issuance of a certificate of compliance, or any other act or omission of the city or the Director in connection with the enforcement and administration of this chapter.

(Ord. 114865 § 7, 1989; Ord. 112383 § 15, 1985.)

22.220.170 - Extension of compliance date.

The director may, in his or her discretion, extend the time for compliance with a final order. Neither extensions, nor the Director's refusal to grant an extension shall be subject to any appeal.

(Ord. 114865 § 8, 1989; Ord. 112383 § 16, 1985.)

22.220.180 - Enforcement of final order.

Whenever any person fails to comply with a final order, the Director may:

A. Institute an action to collect a civil penalty as provided in Section 22.220.190; and/or

B. Use any procedure established in any other ordinance or by any other law for securing compliance; and/or

C. Abate the violation pursuant to the procedures provided in Section 22.220.210; provided, that nothing herein shall prevent the Director from using any procedure established in any other ordinance or by any other law for securing compliance; and/or

D. Request the Law Department to seek an injunction to compel compliance.

(Ord. 114865 § 9, 1989; Ord. 112383 § 17, 1985.)

22.220.190 - Civil penalty

A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a final order of the Director of the Seattle Department of Construction and Inspections, violating any provision of this Chapter 22.220, or deliberately attempting to evade application of this Chapter 22.220 shall be subject to a civil penalty in the amount of $500 for each day of violation.

B. The penalties imposed by this Section 22.220.190 shall be collected by a civil action brought in the name of the city. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

(Ord. 124919, § 85, 2015; Ord. 114865, § 10, 1989; Ord. 112383, § 18, 1985.)

22.220.200 - Abatement of defective conditions.

In addition to, or as an alternative to seeking civil penalties as provided in Section 22.220.190, the Director may cause the defective condition or conditions to be repaired pursuant to Chapter 22.208 of the Seattle Municipal Code; provided, that the Director shall not repair such condition or conditions if the cost exceeds Four Thousand Dollars ($4,000) per unit, calculated in accordance with the rules prescribed in Section 22.220.070.

(Ord. 112383 § 19, 1985.)

22.220.210 - Receivership—Authorized when—Purpose.

A. If a building contains uninhabitable low-income rental units that can feasibly be made habitable and/or the owner of a building is not making a good-faith effort to rent low-income rental units or there are vacant units that constitute a threat to the public health and safety then the Director may request the Law Department to petition the Superior Court, pursuant to RCW 7.60.010 et seq. to appoint a receiver to manage and operate the building. In addition, the Court may be directly petitioned for the appointment of a receiver by tenants who reside in the building under the following circumstances:

1. Where ten (10) or more tenants reside in the building, three (3) or more tenants join in bringing the petition;

2. Where less than ten (10), but more than five (5) tenants reside in the building, two (2) or more tenants join in bringing the petition;

3. Where five (5) tenants or less reside in the building, one (1) tenant or more brings the petition.

B. The purpose of the receivership shall be to take possession of the building for a period sufficient to accomplish and pay for repairs and improvements to uninhabitable units and/or to fill vacancies in units which have not been offered for rent in good faith. The receiver appointed:

1. May enter into week-to-week or month-to-month rental agreements for the rental of any vacant dwelling units and may take such steps as may be necessary to make vacant dwelling units available for rental and occupancy;
2. May enter into any contracts necessary to repair and improve the building and to make uninhabitable low-income rental units habitable;
3. May apply for and accept loans and grants from the City for the purpose of making low-income rental units habitable;
4. Shall be entitled to reasonable fees, commissions and necessary expenses which shall be paid out of the rents and income of the property in receivership or, upon approval by the Director, out of the Downtown Housing Maintenance Account;
5. Shall apply rents and income collected, to the extent not expended for repairs, improvements, and/or the preparation and rental of covered units, to the payment to the City of fines or penalties which may have been imposed upon the owner for violations of this chapter or other housing ordinances and which remain unpaid. Any rents or income remaining after the above expenses are paid shall be paid to the owner.

(Ord. 112383 § 20, 1985.)

22.220.220 - Use of remedies.

The remedies provided for in this chapter are not exclusive and may be used alone or in combination with the other remedies enumerated in this chapter. Nothing in this chapter shall be construed to supersede or repeal by implication the remedies available through enforcement of the Housing Code (Ordinance 106319) or any other City codes or ordinances.

(Ord. 112383 § 21, 1985.)