

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" means an "Accessory dwelling unit" or a "Detached accessory dwelling unit" or "DADU" as defined under "Residential use" in Section 23.84A.032.

"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. 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.)