

SDCI Director's Report

RRIO and HBMC Changes

April 2017

Introduction

The Seattle Department of Construction and Inspections (SDCI) proposes to amend the Rental Registration and Inspection Ordinance (RRIO) (SMC 22.214) to improve the RRIO program's ability to identify and address safety and maintenance problems in rental housing. These amendments resulted from a stakeholder process that SDCI convened in Spring 2016 in response to 2016 Council SLI 25-2-A-2. This legislation also includes changes to the Housing and Building Maintenance Code (HBMC) to support the RRIO changes, update certain technical standards, and clean up confusing sections of the code.

Summary of the Proposal

Key changes to RRIO (SMC 22.214) include:

- Require private inspectors to submit inspection results, rather than simply certify that a property has passed inspection. This will allow the City to handle private inspections the same way city staff inspections are handled. Notably, the City will be able to select additional units for inspection when property conditions warrant a more extensive look.
- Increase the percentage of units on a multi-unit property selected for inspection from 15% to 20%. Apply the 20% requirement uniformly across all properties including duplexes, triplexes, and four-plexes. The current maximum of 50 units inspected at large properties would remain.
- Add lead paint, carbon monoxide alarms, smoke detectors in sleeping rooms, latching ground floor windows, and other requirements to the inspection standards.

Housing and Building Maintenance Code (SMC 22.206)

- Add lead paint to the code
- Add carbon monoxide alarms to the code
- Update outdated references to the Seattle Building Code and other codes
- Update formatting for numbers consistent with current style requirements
- Other technical updates.

Background

The Council directed SDCI to develop proposed changes to RRIO in 2016 Statement of Legislative Intent 25-2-A-2:

Statement of Legislative Intent:

Council requests that the Department of Planning and Development's (DPD) Code Compliance division (or DPD's successor) report to the Council on two components of the RRIO program outlined below.

1. Evaluate what changes are needed to support the RRIO auditing program with fee revenue. This should include reconvening the stakeholder group that helped design the current RRIO program to consider administrative and legislative changes including (but not limited to):

- increasing renewal registration fees;
- requiring more properties with prior notices of violation to be fully inspected by a date certain in 2016;
- decreasing the cost of City inspections; and
- increasing the frequency of inspections for any property with a prior notice of violation.

The report should include an implementation plan to make adjustments to RRIO program fees to support the auditing program.

2. Develop an implementation plan, including analysis of any resource needs, to include data collection in the RRIO auditing program. Data collection would include measuring the cost and quantifying the value of repairs that resulted from the RRIO program to understand the overall investments in property improvements leveraged by the program.

Responsible Council Committee(s): Planning, Land Use and Sustainability

Date Due to Council: June 15, 2016

SDCI convened a stakeholder group consisting of representatives who helped shape the original RRIO proposal in 2011 and 2012, as well as new representatives affected by the program. The stakeholder process had active representation from:

- Columbia Legal Services
- Tenants Union of Washington
- Rental Housing Association of Washington
- Washington Multi-family Housing Association
- At-large rental property owner
- Seattle Chinatown/International District PDA
- Seattle/King County Public Health
- Seattle Office of Housing on behalf of affordable housing providers
- SDCI RRIO Inspectors
- Private RRIO Inspectors

The stakeholders met six times over the spring of 2016. The stakeholder group explored several changes to the RRIO ordinance and RRIO program implementation. The outcome of the stakeholder process was reported to Council on June 15, 2016. The key recommendation from both SDCI and the stakeholders group was to amend the RRIO ordinance to require private inspectors to submit inspection results when a property fails the inspection. SDCI would use this information to enhance auditing and other program needs.

The stakeholders also explored other changes to the RRIO ordinance, such as randomly selecting a higher percentage of units for inspection on multi-unit properties and adding lead paint and carbon monoxide alarms to the inspection checklist. SDCI has also identified several items for cleanup and clarification in RRIO.

Along with the RRIO changes, SDCI proposes changes to the Housing and Building Maintenance Code (HBMC) to improve consistency between the HBMC and RRIO, clarify language in some provisions, add needed references to lead paint abatement and carbon monoxide alarms, align some provisions with current requirements in other codes such as the Seattle Building Code, and make formatting updates and other cleanup changes.

Proposal and Analysis

The table below summarizes the changes

SUMMARY OF PROPOSED RRIO AMENDMENTS BY SMC SECTION

SMC	CHANGE	PURPOSE
22.214.050.G	Increase the percentage of units randomly selected for inspection from 15% to 20%, and remove requirement that at least two units are inspected on 2-20 unit properties.	Increase the percentage to get a larger representative sample of units on a property. 20% is the value used in state law. Eliminate the requirement for a minimum of two units, so that smaller properties are treated the same as larger properties
22.214.050.I	Clarify that RRIO allows for properties to go for up to ten years between inspections.	Cleanup to remove an inconsistency.
22.214.050.J	Require private inspectors to submit inspection results on properties that do not pass their inspection.	Allows SDCl to select additional units for inspection if conditions warrant, consistent with the approach if the property was inspected by a City inspector. This is also consistent with the approach outlined in state law.
22.214.050.L	Removes the term "weighted" from the inspection checklist .	"Weighted" implied a scoring or point system for the inspection checklist. The RRIO checklist, as adopted by rule, has a pass/fail approach.
22.214.050.M	Modifies several references to the HBMC which form the basis for the RRIO checklist.	Allows items such as lead paint and carbon monoxide detectors to be included in the checklist. Clarifies underlying reference for several items in the RRIO checklist.
22.214.086.A	Corrects an incorrect subsection citation	Cleanup
22.214.086.B	Adds a ten-day time limit for a Director's appeal of a Notice of Violation	The current open-ended appeal period is challenging to implement. This makes the appeal process more consistent with other code compliance appeals
Annual reporting - Uncodified sections of RRIO	Changes the timing and reporting items in the RRIO annual report	Reporting makes more sense as an annual report based on calendar years. Several of the initial reporting questions are no longer relevant.
Checklist Adoption -Uncodified sections of RRIO	Reduces the time for Council review of changes to the RRIO checklist to 30 days. Removes the terms "weighted values"	Brings Council review time in line with the required public review period for a Directors rule. Will allow checklist changes to be implemented more quickly. Weighting implies a point system which the RRIO checklist does not use.

SUMMARY OF PROPOSED HBMC AMENDMENTS BY SMC SECTION

SMC	CHANGE	PURPOSE
22.202.080	In the documentation of notices, section, limit the circumstances written notices may be provided to tenants by email rather than by other means of service to subsections J.1, J.2, and J.3 of section 22.202.080.	Email is not appropriate for all circumstances in which a notice must be issued, as there is not a way to document that it was received. In the limited circumstance of notices relating to rent increases, where time is of the essence, email notice should be allowed.
22.206.040.A	In section on light and ventilation, adds words "providing natural light" and reference to Seattle Building Code	For natural light, clarifies that required windows must actually provide natural light. For artificial light, cites to current Seattle Building Code standards to clarify "approved system of artificial light."
22.206.040.A	In section on light and ventilation, changes minimum size of natural ventilation opening from 2.5% to 4 percent.	Aligns HBMC standard with current Seattle Building Code.

22.206.050.A-C	In section on sanitation, changes "lavatory" to "bathroom sink"	Change for clarity and modern usage
22.206.050.D	In section on sanitation, adds requirement that kitchen sinks must have at least 30 inches of working space in front	Aligns HBMC provision with current Seattle Building Code.
22.206.050.G	In section on sanitation, adds requirement that temperature pressure relief valves be maintained in good working order.	Temperature pressure relief valves are found in many modern residences and provision clarifies that when part of a working sanitation system they must be maintained in good working order.
22.206.080	Adds words "and Maintenance" to section heading "Minimum Structural Standards"	Adding the word "maintenance" more accurately describes the content of the section.
22.206.080.D	In section on general maintenance, prohibits peeling and chipping paint; adds provision requiring deteriorated surfaces to be repaired in accordance with state law requirements for lead.	Current HBMC has no requirements focusing on lead painted surfaces. Lead hazards are better understood than at time HBMC was first enacted. Adds requirements for handling lead painted surfaces in accordance with best practices and state law provisions.
22.206.080.J.	In section on general maintenance, adds requirement that plumbing work be in compliance with Plumbing Code	This subsection requires repairs to be done in compliance with the Building, Electrical, and Mechanical Codes, and compliance with Plumbing Code is equally important.
22.206.090.B	In section on heating, changes building code reference to SMC Chapter 22.400 Section 303.3.	Updates code reference to current applicable provision in Seattle Building Code.
22.206.110.A	In section on electrical equipment, adds requirement that each dwelling unit has direct access to its electrical panel.	Tenants must be able to access electrical panel in case of emergency or for needed repairs.
22.206.110.C	Adds requirement that kitchen receptacle outlets within 3 feet of a water source must be equipped with ground fault interrupter.	This is a safety feature that is a requirement in modern construction.
22.206.110.D	Requires an emergency power system to illuminate the path of exit in the event of a power failure.	This is a safety feature that is a requirement in modern construction.
22.206.110.D	Adds requirement that bathrooms and laundry rooms with receptacle outlets within 3 feet of a water source must be equipped with ground fault interrupter.	This is a safety feature that is a requirement in modern construction.
22.206.130.A.2	In section on stairs and stairways, adds requirement that all stairs are safe and maintained in good repair.	This provision currently applies only to exterior and spiral stairs; logically, all stairs should be in good repair and configured for safe use and travel.
22.206.130.A.3	In section on stairs and stairways, adds "graspable" to the requirement for handrails, and requires the ends of the handrails to have returns or newel posts.	Requiring handrails to be graspable clarifies that the handrail must be functional. A return, newel post, or other "stop" at the foot of a handrail is a standard safety feature.
22.206.130.A.4	In section on stairs and stairways, changes minimum horizontal dimension of a stairway landing or access point from 30" to 36".	Aligns HBMC with current Seattle Building Code requirements and provides added safety.
22.206.130.B.1.c.ii	Removes reference to Code Alternate 1004.2b; removes words "whichever is least restrictive"	This code provision is no longer in existence and does not have a current equivalent. There is only one option so "whichever is least restrictive" no longer applies.
22.206.130.C.1	In section on stairway enclosures, changes reference from 1997 to 2015 Seattle Building Code.	Updates Seattle Building Code reference.
22.206.130.F	In section on exit signs, adds requirement for emergency illumination of exit signs in case of a power failure.	Aligns provision to current Seattle Building Code and adds additional safety for exiting during a power failure.
22.206.130.G.1	In section on enclosure of vertical openings, changes reference from 1997 to 2015 Seattle Building Code.	Updates Seattle Building Code reference.

22.206.130.H	In section on separation of occupancies, changes reference from 1997 to 2015 Seattle Building Code.	Updates Seattle Building Code reference.
22.206.130.I	In section on guardrails, adds requirement that intermediate rails have openings no larger than 4 inches in diameter.	Current code does not specify how far apart intermediate rails must be. Aligns provision to current Seattle Building Code and adds additional safety.
22.206.130.J.2	In section on emergency escape windows, adds provision allowing minimum sill height to be achieved by addition of a step no more than 8 inches high.	This provision allows windows whose sill is higher than the 44" minimum but not higher than 52" to be used as escape windows with the addition of a step. This alternative allows the use of such windows without expensive replacement and alterations to window wells. This variation is allowed by SDCI building code staff.
22.206.130.K.2	Adds reference to carbon monoxide alarms.	Subsection requires rooms served by escape windows with bars or grates to be equipped with carbon monoxide alarms as well as smoke detectors, in compliance with current state law.
22.206.130.L	Changes "dwellings" to "one and two family dwellings."	"Dwellings" is defined in the code as "any building containing two or fewer units" but this change makes it clearer to the lay reader that the standards are different for one- and two-family dwellings compared to buildings containing 3 or more dwellings.
22.206.140.A.1	In section on security standards, changes requirement for deadlatch throw for building entry door from ½ inch with ¼ inch penetration to 1 inch with ½ inch penetration.	Change adds additional safety and security for building entry doors.
22.206.140.A.4	In section on security standards, changes "hollow-core door" to "solid-core door."	The current provision requires doors to housing units to be able to resist forcible entry equivalent to a single-panel or hollow-core door. Hollow-core doors are easily breached and the new requirement adds safety.
22.206.140.A.7	In section on security standards, adds "at owner's expense" to requirement to change locks upon change of tenancy.	Clarifies that it is the owner's responsibility to ensure the safety of tenants by changing locks between tenancies.
22.206.160.A.12	In section on duties of owners, adds a provision requiring the owner to maintain electricity, water, and gas service equipment in working order.	Regardless of who is responsible for paying utility bills by lease terms, the owner must ensure that the infrastructure is in good working order.
22.206.160.B.3	In section on duties of owners, changes "when the owner" to "unless the tenant" is contractually obligated to provide heat.	Clarifies that the owner is responsible for maintaining heat unless the tenant is made responsible for the utility bill by the terms of the rental contract.
22.206.160.B.4	To the requirement to supply smoke detectors, adds location "inside... and immediately outside each sleeping room."	Aligns smoke detector location requirements with state law provisions and best practices.
22.206.160.B.5, 6	Adds requirement to install and maintain carbon monoxide alarms.	Aligns duties of owner requirements with state law requirement to supply carbon monoxide alarms in tenant housing.
22.206.160.B.7	To requirement that tenants be instructed about operation of smoke detector, adds same obligation for carbon monoxide alarm and a requirement that tenant sign a statement of understanding.	This additional requirement adds to the smoke detector requirement the carbon monoxide alarm requirement and documents that tenants have been informed about the use and maintenance of these devices.
22.206.160.C.2	Changes reference to 22.206.160.C.1.p to 22.206.160.C.	Corrects an error: the current version of the code incorrectly limits the applicability of Just Cause Eviction Ordinance protections when conflicting with rental agreements to one small subsection of the ordinance rather than the entire ordinance.

22.206.170.A.8	To duties of tenants section, adds to the section on maintaining smoke detectors the duty to maintain the carbon monoxide alarms, and adds the words "including replacing batteries if needed."	Adds maintenance of carbon monoxide alarms along with smoke detectors, and clarifies that "maintenance" the tenant is responsible for includes battery replacement.
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Recommendation

SDCI recommends adoption of the proposed amendments to RRIO and the HBMC. This proposal responds to a Council Statement of Legislative Intent and also addresses a number of other important changes to the two codes.