

**CITY OF SEATTLE**  
**ORDINANCE** 126392  
**COUNCIL BILL** 120113

AN ORDINANCE relating to the Multifamily Housing Property Tax Exemption Program; amending Section 5.73.070 of the Seattle Municipal Code to temporarily allow certain extensions of the Multifamily Housing Property Tax Exemption program completion deadline as permitted by state law; and ratifying and confirming certain prior acts.

WHEREAS, the State Legislature passed Engrossed Second Substitute Senate Bill 5287 in 2021, which provides that local jurisdictions may extend the deadline for completion of any outstanding MFTE application requirements for applications submitted on or before February 15, 2020; and

WHEREAS, the City intends to temporarily allow certain Projects to apply for an extension of outstanding MFTE application requirements subject to certain requirements; and

WHEREAS, the COVID-19 Pandemic has impacted real-estate project timelines and caused delays; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 5.73.070 of the Seattle Municipal Code, last amended by Ordinance 125932, is amended as follows:

**5.73.070 Extension of Conditional Certificate**

A. The expiration date of the Conditional Certificate may be extended by the Director by up to 24 months provided the owner submits to the Director a written request, stating the grounds for the extension, at least 60 days prior to expiration of the Conditional Certificate according to subsection 5.73.060.D, together with a fee of \$500 for the City's administrative cost to process the request. The Director may grant an extension if the Director determines that:

1                   1. The anticipated failure to complete new multifamily housing or rehabilitation  
2 improvements within the required time period is due to circumstances beyond the control of the  
3 owner; and

4                   2. The owner has been acting and could reasonably be expected to continue to act  
5 in good faith and with due diligence; and

6                   3. All the conditions of the contract will be satisfied upon completion of the  
7 project.

8                   B. If the Conditional Certificate expires according to subsection 5.73.060.D and a request  
9 for an extension is not received according to subsection 5.73.070.A or subsection 5.73.070.C, the  
10 City shall assume the MFTE application has been withdrawn by the owner.

11                   C. In addition to an extension of 24 months according to subsection 5.73.070.A, for  
12 applications received by the Office of Housing on or before February 15, 2020, the expiration  
13 date of the Conditional Certificate may be extended by the Director by up to five years provided  
14 the owner submits to the Director a written request, stating the grounds for the extension and the  
15 revised Project completion date, together with a fee of \$500 for the City's administrative cost to  
16 process the request. The Director may grant an extension if the Director determines that:

17                   1. The owner has sufficiently demonstrated that the failure or anticipated failure  
18 to complete the project prior to expiration of the Conditional Certificate is due to impacts from  
19 the COVID-19 pandemic that were beyond the control of the owner;

20                   2. The owner has been acting and could reasonably be expected to continue to act  
21 in good faith and with due diligence;

22                   3. A contract has been executed, the owner has complied with all conditions  
23 required to date according to the contract except for completion delays due to impacts from the

1 COVID-19 pandemic, and all outstanding conditions of the contract will be satisfied upon  
2 completion of the project;

3 4. The up to five-year extension request according to this subsection 5.73.070.C  
4 was received by the Director on or before September 30, 2021;

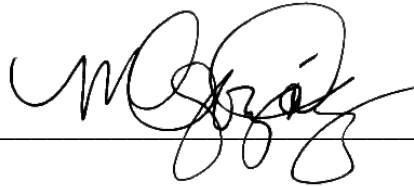
5 5. The Director previously approved a full 24-month extension of the expiration  
6 date for the Conditional Certificate according to subsection 5.73.070.A; and

7 6. The expiration date of the Conditional Certificate based on the first full 24-  
8 month extension approved by the Director according to subsection 5.73.070.A was no earlier  
9 than February 15, 2020 and no later than February 15, 2022.

10 Section 2. Any act consistent with the authority of this ordinance taken after its passage  
11 and prior to its effective date is ratified and confirmed.

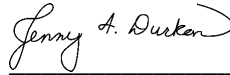
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 19th day of July, 2021,  
5 and signed by me in open session in authentication of its passage this 19th day of  
6 July, 2021.

7 

8 President \_\_\_\_\_ of the City Council

9  Approved /  returned unsigned /  vetoed this 27th day of July, 2021.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 27th day of July, 2021.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)