

**CITY OF SEATTLE**  
**ORDINANCE 126068**  
**COUNCIL BILL 119770**

AN ORDINANCE relating to the Office of the Hearing Examiner; temporarily suspending deadlines imposed by the Seattle Municipal Code for the duties of the Hearing Examiner; temporarily superseding several sections of the Seattle Municipal Code that impose deadlines on the actions of the Hearing Examiner; and ratifying and confirming certain prior acts.

WHEREAS, the World Health Organization has announced novel coronavirus (COVID-19) is officially a global pandemic; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, on March 3, 2020, Seattle Mayor Jenny Durkan proclaimed a civil emergency exists in the City of Seattle; and

WHEREAS, on February 29, 2020 the Washington Governor issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of COVID-19; and

WHEREAS, on March 13, 2020 the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020 the Office of Hearing Examiner adopted an emergency rule entitled “Office of Hearing Examiner Operating Rules During COVID-19,” which requires all hearings be conducted remotely; and

WHEREAS, on March 23, 2020 the Washington Governor issued Proclamation 20-25, prohibiting all people in Washington State from leaving their homes and all non-essential

1 businesses in Washington State from conducting business (“Stay Home – Stay Healthy  
2 Proclamation”); and

3 WHEREAS, on March 24, 2020 the Washington Governor issued Proclamation 20-28,  
4 suspending in-person meetings under the Open Public Meetings Act; and

5 WHEREAS, the COVID-19 outbreak presents an extreme risk of person-to-person transmission  
6 of the virus and public health experts worldwide advise the best way to prevent a  
7 calamitous explosion of cases is to prevent infected people from coming in close contact  
8 with healthy ones; and

9 WHEREAS, the Seattle Municipal Code authorizes the Office of the Hearing Examiner to decide  
10 appeals of more than 75 different types of City decisions; and

11 WHEREAS, the Office of Hearing Examiner normally holds in-person hearings but is in the  
12 process of developing systems to conduct hearings remotely; and

13 WHEREAS, the Office of the Hearing Examiner may not be able to conduct remote hearings in a  
14 reliable, fair, and accessible manner due to the limitations of remote conferencing  
15 technology, or due to absences or illness of hearing participants or Office of Hearing  
16 Examiner staff; and

17 WHEREAS, a temporary superseding of Hearing Examiner deadlines will allow the Office of the  
18 Hearing Examiner to comply with the Stay Home – Stay Healthy order; and

19 WHEREAS, the City Council intends that the Office of the Hearing Examiner continue those  
20 duties and responsibilities of the Office that can be carried out in a manner consistent  
21 with the Stay Home – Stay Healthy order; NOW, THEREFORE,

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

2 Section 1. No deadline imposed by the Seattle Municipal Code, including any code  
3 adopted or amended by Title 22, for a duty of the Office of the Hearing Examiner shall be in  
4 effect from the effective date of this ordinance until termination of the civil emergency  
5 proclaimed by the Mayor on March 3, 2020.

6 Section 2. By way of example and not limitation, the following provisions that involve  
7 the Office of the Hearing Examiner are subject to Section 1 to the extent they require the Office  
8 of Hearing Examiner to provide a notice of a hearing, schedule a hearing, conduct a hearing,  
9 publish a decision, file a decision, or take some other action by a deadline or within a certain  
10 time period:

<b>Provision (Seattle Municipal Code unless otherwise stated)</b>	<b>Description</b>
3.70.100	Ethics Code violations
4.04.250	Civil Service appeals
4.20.225/4.20.860/4.20.870	Compensation and working conditions generally
4.20.865	Whistleblower retaliation complaints
5.40.028/5.40.085	Admission tax exemptions
5.55.140/5.55.150	Business and Occupation and other tax assessments
5.55.230 6.02.080/6.02.285/6.02.290 6.10.120/6.10.130 6.202.240/6.202.270/6.202.320 6.208.020 6.214.320 6.295.160/6.295.180 6.500	License denials, suspensions, and revocations
5.65.160/5.65.170/5.65.230	Income tax on high-income residents
5.72.110	Multifamily housing property tax exemption
5.72.110 5.73.100	Property tax exemption elimination
5.73.110	2004 multifamily housing property tax exemption

<b>Provision (Seattle Municipal Code unless otherwise stated)</b>	<b>Description</b>
6.42.080	Panorams and peepshows
6.202.290	Bond claims
6.270	Adult entertainment
6.295.180	All-ages dances and venues
6.310.635/6.310.735	For-hire vehicles and drivers
6.315.430	Horse-drawn carriage licenses
6.410.210	Refrigeration systems
6.420.210	Steam engineers and boiler firemen
6.430.210	Gas piping
6.500.147/6.500.150/6.500.170	Marijuana business license citations
6.600.120	Short-term rentals
7.12.090	Unit pricing
7.20.080/7.20.090/7.20.100	Floating home moorages and review of fees
7.24.130	Rental agreements
7.25.050	Third party utility billing complaints
7.26.070	Refund anticipation loan regulation
9.25.036	Determinations of viciousness/order of humane disposal
9.25.120	Animal licenses
10.01.220	Health code permit actions
10.07.050	Graffiti nuisances
10.52.031/10.52.032/10.52.033/10.52.034/10.52.035/10.52.036	Weed and vegetation citations
11.16.317	Restricted parking zone appeals
14.04.150/14.04.170/14.04.180/14.04.185	Employment discrimination complaints
14.06.040/14.06.110/14.06.120/14.06.130/14.06.140	Unfair public accommodations practices
14.07.040	All-gender single-occupant restrooms requirements
14.08.170/14.08.180/14.08.200	Fair housing
14.09.085/14.09.090	Use of criminal records in housing
14.10.120/14.10.130/14.10.140/14.10.150	Fair contracting practices
14.16.050/14.16.070/14.16.085/14.16.090/14.16.100/14.16.105	Paid sick/safe leave appeals

<b>Provision (Seattle Municipal Code unless otherwise stated)</b>	<b>Description</b>
14.17.045/14.17.060/14.17.065/14.17.075/14.17.080	Fair chance employment appeals
14.19.050/14.19.070/14.19.085/14.19.090/14.19.100/14.19.105	Minimum wage appeals
14.20.030/14.20.050/14.20.065/14.20.070/14.20.080/14.20.085	Wage theft appeals
14.21.050	Use of conversion therapy on minors
14.22.065/14.22.085/14.22.100/14.22.105/14.22.115/14.22.120	Secure scheduling
14.23.095/14.23.100/14.23.105/14.23.115/14.23.120	Domestic workers
14.26.150/14.26.170/14.26.180/14.26.210/14.26.220	Protecting hotel employees from violent or harassing conduct
14.27.150/14.27.170/14.27.180/14.27.210/14.27.220	Protecting hotel employees from injury
14.28.150/14.28.170/14.28.180/14.28.210/14.28.220	Improving access to medical care for hotel employees
14.29.150/14.29.170/14.29.180/14.29.210/14.29.220	Hotel employees job retention
14.30.150	Commuter benefit appeals
15.90	Street use appeals
15.91.006	Seattle Department of Transportation citation appeals
20.04.090	Local Improvement District assessment rolls
20.84.225/20.84.640	Relocation assistance when City action causes displacement
21.08.350/21.08.360	Corrosion prevention
21.43.090	Infectious waste management
21.60.120	Cable franchise termination
22.206.217	Habitable building standards variances
22.208.050	Housing and building maintenance code violations
22.210.100/22.210.110/22.210.120/22.210.150/22.210.160	Tenant relocation assistance eligibility determinations
22.214.045	Denial or revocation of rental housing registration
22.220.140	Downtown housing maintenance: Director's order appeals
22.800.040	Stormwater, grading, and drainage exceptions: Director's order appeals

<b>Provision (Seattle Municipal Code unless otherwise stated)</b>	<b>Description</b>
22.920.155	Energy benchmarking appeals
23.34	Rezone applications
23.47A.004	Land use regulations – Commercial
23.49.030	Adult cabarets
23.50.012	Land use regulations – Industrial
23.58B.030	Land use regulations – Affordable housing impact mitigation program for commercial development
23.58C.035	Land use regulations – Mandatory housing affordability for residential development
23.60A.064/23.60A.202/23.60A.203/23.60A.204/23.60A.214	Land use regulations – Seattle Shoreline Master Program
23.61.016	Land use regulations – Station Area Overlay District
23.66.030	Landmarks and Special Districts Certificates of Approval – Application, review, and appeals
23.69.030/23.69.032	Major Institution Master Plans
23.75.085/23.75.120	Land use regulations – Master Planned Communities
23.76.005/23.76.006/23.76.022	Master Use Permit (Type II) decisions
23.76.024/23.76.054	Subdivisions (Type III) decisions
23.76.034	Stop work orders
23.76.036/23.76.052/23.76.054	Council conditional uses
23.76.058	Major amendment to Property Use and Development Agreement
23.78.014	School reuse/School Use Advisory Committee within Master Use Permit decision
23.79.012	School development standard departures within Master Use Permit decision

<b>Provision (Seattle Municipal Code unless otherwise stated)</b>	<b>Description</b>
23.88.020	Land Use Code interpretations
23.91.006/23.91.010/23.91.012	Land Use Code citations
25.02.080	Commute Trip Reduction appeals
25.05.680	Environmental determinations
25.08.590/25.08.610/25.08.655	Noise Code variances
25.08.900/25.08.910/25.08.920/25.08.930/25.08.940/25.08.950	Noise Code citations
25.09.160/25.09.260/25.09.280/25.09.300	Environmentally Critical Areas reasonable variance, conditional use, and reasonable use exception
25.10.540	Radiofrequency radiation ordinance violations
25.12.530/25.12.535/25.12.540/25.12.560/25.12.570/25.12.610	Landmarks preservation – Controls and incentives
25.12.740/25.12.750/25.12.760	Landmarks preservation – Alterations or significant changes
25.12.840/25.12.845/25.12.890	Landmarks preservation – Service of notices, interpretations, and conformance with general development
25.16.110/25.16.115	Ballard Avenue Landmark District
25.20.110/25.20.115	Columbia City Landmark District
25.21.110/25.21.130/25.21.135	Fort Lawton Landmark District
25.22.110/25.22.130/25.22.135	Harvard-Belmont Landmark District
25.24.080/25.24.085	Pike Place Market Historical District
25.28.280/25.28.300/25.28.310	Pioneer Square Historical District
25.30.090/25.30.110/25.30.120	Sand Point Naval Air Station Landmark District
Seattle Fire Code 109.4.5	Fire Code violation mitigation hearings


1           Section 3. This ordinance does not supersede any deadline established by: the Seattle  
2 Municipal Code, including any code adopted or amended by Title 22, for filing an appeal; or the  
3 Hearing Examiner for any case schedule.

4           Section 4. Any act consistent with the authority of this ordinance taken after March 22,  
5 2020 and prior to its effective date is ratified and confirmed.



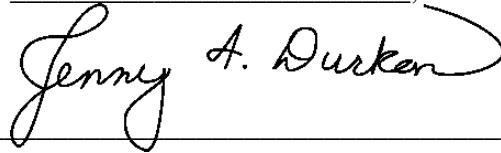
1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 13th day of April, 2020,  
5 and signed by me in open session in authentication of its passage this 13th day of  
6 April, 2020.



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

9 Approved by me this 17th day of April, 2020.



10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12 Filed by me this 17th day of April, 2020.



13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)