

Director's Report and Recommendations

Vacant Building Ordinance

June 2023

Proposal Summary

The Department of Construction and Inspections (SDCI) is recommending amendments to the standards for maintenance and monitoring of vacant buildings in the Housing and Building Maintenance Code (HBMC). The proposal responds to an increase in the public nuisance and health and safety risks associated with vacant structures by raising standards and improving the effectiveness of vacant building monitoring.

The proposed legislation would:

- Strengthen the standards for securing vacant buildings by requiring solid core doors, stronger throw deadbolts, and, in some cases, polycarbonate sheets rather than plywood.
- Require vacant buildings to be kept free of graffiti.
- Require any building that receives a notice of violation to enter the vacant building monitoring program, rather than just those buildings that fail to correct a notice of violation by the compliance deadline.
- Simplify the process for Police and Fire referrals to vacant building monitoring.
- Authorize the department to file a property lien to collect unpaid vacant building monitoring fees and abatement costs.

Background

Buildings are often left unoccupied when a property owner is preparing for sale or redevelopment, following a fire or other serious damage, during probate, or while administrative or legal issues get resolved. The Housing and Building Maintenance Code requires that vacant buildings must be secured and maintained to prevent unauthorized entry and be kept free of junk and overgrown vegetation. Properties that fail to meet these standards after receiving a notice of violation, those with development applications, and dangerous buildings reported by SPD or SFD are placed onto SDCI's vacant building monitoring program.

Vacant buildings on the monitoring program are inspected monthly for compliance with building safety and maintenance standards. Approximately 75 percent of properties enrolled in vacant building monitoring are going through the redevelopment process; other buildings are monitored based on referrals from Police or Fire, or after SDCI receives complaints from neighbors. Monthly inspection fees are lower for buildings that are well maintained and highest for buildings that are open to entry and have become dumping grounds for garbage and junk. Property owners pay fees ranging from \$296.75 to \$592.30 depending on whether the building is secured without violations, secured with violations, or unsecured. Monitoring ends after three consecutive inspections without a violation.

Emerging from the pandemic, SDCI has seen an increase in vacant building monitoring activity. While the number of inspections with no violations has remained largely constant, the number of unsecured vacant buildings rose from 281 to 396 (41 percent increase) and the number of vacant buildings secured with safety or maintenance violations increased from 480 to 753 (57 percent increase) between 2021 and 2022. If current trends continue, violations are on pace to exceed last year's numbers in 2023.

Despite an increase in the number of inspections and violations, fee collection rates have fallen steadily from 57 percent in 2019 - the year that the monitoring program began - to about 37 percent in 2022. While some of this can be attributed to departmental leniency during the pandemic and delays between the issuance of an invoice and collection of fees, the majority appear to be simple non-payment. The City's current process for collecting unpaid fees and charges utilizes a collection agency, which returns very little to the Department, or requires pursuing and obtaining a court order, which is both time-consuming and resource intensive. Because the monitoring program is largely fee supported, nonpayment represents a financial risk to the program.

Proposal and Analysis

The proposed amendments to the Housing and Building Maintenance Code are intended to improve vacant building security and safety and the operational effectiveness of the vacant building monitoring program. The table below summarizes which sections would be amended, the nature of the amendment, and the purpose for the change:

Summary of Proposed Amendments by SMC Section

SMC	Change	Purpose
22.206.200.A.4	Amends the standards for securing vacant buildings to require solid core doors rather than single panel or hollow and 1-inch rather than ½ inch throw deadbolts. Allows the department to require polycarbonate sheets rather than plywood if the Director determines it is necessary to secure the building.	Solid core doors and 1-inch deadbolts are typical for new construction and are more secure against entry. Polycarbonate sheets are more difficult to remove than plywood and provide greater visibility to first responders in the event of an emergency on the premises.
22.206.200.A.4	Adds a new requirement that vacant buildings must be kept free of graffiti.	Reducing graffiti is a Mayoral priority. Minimizing the visibility of vacant buildings can reduce the likelihood of future unlawful entry and deterioration.
22.206.200.F.2	Amends the criteria for a building to be enrolled in the vacant building monitoring program to any notice of violation, rather than a notice of violation that is not corrected by the compliance deadline, or two notices of violation within a twelve-month period.	A vacant building with a violation, even if corrected, often experiences additional vacant building activity. This change removes the onus from the surrounding neighborhood to continually report problems.
22.206.200.F.2	Removes the requirement that Police and Fire maintain a list of properties that have generated calls for dispatch in order to refer them SDCI for vacant building monitoring.	Facilitate greater interdepartmental coordination by allowing SFD and SPD to directly report dangerous buildings without the administrative burden of maintaining a list.

SMC	Change	Purpose
22.206.200.F	Authorizes SDCI to collect vacant building monitoring fees and abatement costs through a special assessment under RCW 39.21.955 against the property filed as a lien with the King County Department of Records and Elections; provides requirements for how property owners and identifiable mortgage holders must be notified consistent with state law.	A property lien, or even the threat of a lien encourages more timely voluntary compliance.
22.206.030.I and 22.206.200	Various clarifications and technical corrections.	Improve the clarity and legibility of the code.

Comprehensive Plan Consistency

The proposal is consistent with relevant goals and policies in the Seattle 2035 Comprehensive Plan, including:

- H 2.4 "Encourage use of vacant or underdeveloped land for housing and mixed-use development, and promote turning vacant housing back into safe places to live."*
- H 4.1 Provide programs, regulations, and enforcement to help ensure that all housing is healthy and safe and meets basic housing-maintenance requirements.*

Recommendation

SDCI recommends adoption of the proposed legislation to strengthen vacant building safety and security and improve the vacant building monitoring program.