



Legislation Text

File #: CB 119770, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

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

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

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

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. No deadline imposed by the Seattle Municipal Code, including any code adopted or amended by Title 22, for a duty of the Office of the Hearing Examiner shall be in effect from the effective date of this

ordinance until termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

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

Provision (Seattle Municipal Code unless otherwise stated)	Description
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
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
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
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
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

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

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

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

Passed by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)