



Legislation Text

File #: CB 119546, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE related to conforming City code to match provisions of state law for rental housing inspections; and amending Seattle Municipal Code Section 22.214.050.

WHEREAS, maintaining minimum standards in rental housing units is a City priority; and

WHEREAS, rental property inspections under the Rental Registration and Inspection Ordinance can be conducted by either City or private qualified rental housing inspectors; and

WHEREAS, RCW 59.18.125 sets out a framework for rental registration programs; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.214.050 of the Seattle Municipal Code, last amended by Ordinance 125705, is amended as follows:

22.214.050 Inspection and certificate of compliance required

A. The Department shall periodically select, from registered properties containing rental housing units, the properties that shall be inspected by a qualified rental housing inspector for certification of compliance. The property selection process shall be based on a random methodology adopted by rule, and shall include at least ten percent of all registered rental properties per year. Newly constructed or substantially altered properties that receive final inspections or a first certificate of occupancy and register after January 1, 2014, shall be included in the random property selection process after the date the property registration is required to be renewed for the first time. After a property is selected for inspection, the Department shall provide at least 60 days' advance written notice to the owner or owner's agent to notify them that an inspection of the property is required. If a

rental property owner chooses to hire a private qualified rental housing inspector, and also chooses not to inspect 100 percent of the rental housing units, the property owner or owner's agent shall notify the Department a minimum of five and a maximum of ten calendar days prior to the scheduled inspection, at which time the Department shall inform the property owner or owner's agent of the units selected for inspection. If the rental property owner chooses to hire a Department inspector, the Department shall inform the property owner or owner's agent of the units selected for inspection no earlier than ten calendar days prior to the inspection.

* * *

G. Inspection of rental housing units for a certificate of compliance according to subsections 22.214.050.A and 22.214.050.B shall be accomplished as follows:

1. ~~((In buildings that contain more than one rental housing unit, a))~~ A property owner may choose to inspect 100 percent of the units on the rental property and provide to the City only the certificate of compliance verifying that all units meet the required minimum standards. In the alternative, an owner may choose to have only a sample of the rental housing units inspected. If the applicant chooses to have a sample of the rental housing units inspected, 20 percent of the rental housing units, rounded up to the nearest whole number, are required to be inspected, up to a maximum of 50 rental housing units in each building. When fewer than 100 percent of the rental units on the property are inspected, the owner agrees to comply with subsection 22.214.050.J and submit copies of required inspection results in addition to the certificate of compliance.

2. For inspections of fewer than 100 percent of the rental housing units on a property, ((F))the Department shall select the rental housing units to be inspected under this Section 22.214.050 using a methodology adopted by rule.

3. If a rental housing unit selected by the Department fails the inspection, the Department may require that up to 100 percent of the rental housing units in the building where the unit that failed inspection is located be inspected for a certificate of compliance according to this Section 22.214.050. The Department shall use the following criteria to determine when additional units shall be inspected:

a. If two or more rental housing units selected for inspection, or twenty percent or more of the inspected units, whichever is greater, fail the inspection due to not meeting the same checklist item(s) required by subsection 22.214.050.L, an additional 20 percent of the units on the property, rounded up to the nearest whole number, shall be inspected. If any of the additional rental housing units selected for inspection fail the inspection due to the same condition(s), 100 percent of the units in the building shall be inspected.

b. If any single rental housing unit selected for inspection has five or more failures of different checklist items required by subsection 22.214.050.L, an additional 20 percent of units on the property, rounded up to the nearest whole number, shall be inspected. If any of the additional rental housing units selected for inspection also contain five or more failures, 100 percent of the units in the building shall be inspected.

c. If the Director determines that an inspection failure in any rental housing unit selected for inspection indicates potential maintenance or safety issues in other units in the building, the Director may require that up to 100 percent of units be inspected. The Director may by rule determine additional criteria and methods for selecting additional units for inspection.

H. Notice of inspection to tenants

1. ~~((After the Department selects the rental housing units to be inspected, and the Department has provided written notice to the owner or owner's agent of the units to be inspected,))~~ Whether inspecting 100 percent of the units or only a sample, the owner or owner's agent shall, prior to any scheduled inspection, provide at least two days' advance written notice to all tenants residing in all rental housing units on the property advising the tenants that:

a. Some, or all, of the rental housing units will be inspected. If only a sample of the units will be inspected, the notice shall identify the rental housing units to be inspected;

b. A qualified rental housing inspector will enter the rental housing unit for purposes of performing an inspection according to this Chapter 22.214;

c. The inspection will occur on a specifically identified date and at an approximate time, and the name of the company and person performing the inspection;

d. A tenant shall not unreasonably withhold consent for the owner or owner's agent to enter the property as provided in RCW 59.18.150;

e. The tenant has the right to see the inspector's identification before the inspector enters the rental housing unit;

f. At any time a tenant may request, in writing to the owner or owner's agent, that repairs or maintenance actions be undertaken in ~~((his or her))~~ the tenant's unit; and

g. If the owner or owner's agent fails to adequately respond to the request for repairs or maintenance at any time, the tenant may contact the Department about the rental housing unit's conditions without fear of retaliation or reprisal.

2. The contact information for the Department as well as the right of a tenant to request repairs and maintenance shall be prominently displayed on the notice of inspections provided under this subsection 22.214.050.H.

3. The owner or owner's agent shall provide a copy of the notice of inspection to the qualified rental housing inspector on or before the day of the inspection.

* * *

J. If a rental property owner chooses to hire a private qualified rental housing inspector, the Department may charge a private inspection processing fee. If the property owner chooses to inspect fewer than 100 percent of the rental housing units on the property and a ~~((selected))~~ unit selected for inspection ~~((of the rental property))~~ fails the initial inspection, both the results of the initial inspection and any certificate of compliance must be provided to the Department. The Department shall audit inspection results and certificates of compliance prepared by private qualified rental housing inspectors. Based on audit results, the Department may select additional units for inspection in accordance with subsection 22.214.050.G.3. If the

Department determines that a violation of this Chapter 22.214 exists, the owner and qualified rental housing inspector shall be subject to all enforcement and remedial provisions provided for in this Chapter 22.214.

* * *

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 3. 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 _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)