

Resolution No. 31221

A RESOLUTION relating to rental housing and the City's efforts to improve the quality of rental housing, requesting that the Department of Planning and Development report back to the Council by February 1, 2011 with recommendations on implementation of a rental housing inspection program.

Related Legislation File: _____

Date Introduced and Referred: <u>June 1, 2010</u>	To: (committee): <u>Full Council for Introduction and Adoption</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6.1.10</u>	Date Presented to Mayor: <u>6.1.10</u>
Date Signed by Mayor: <u>6.7.10</u>	Date Returned to City Clerk: <u>6.9.10</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Returned Without Concurrence:
Published in Full Text _____	

The City of Seattle – Legislative Department

Resolution sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>6.1.10</u>	<u>Adopted</u>	<u>7-0 Disqualified TR, MO</u>

RESOLUTION 31221

1
2 A RESOLUTION relating to rental housing and the City's efforts to improve the quality of rental
3 housing, requesting that the Department of Planning and Development report back to the
4 Council by February 1, 2011 with recommendations on implementation of a rental
5 housing inspection program.

6 WHEREAS, the City has a longstanding interest in preserving the stock of rental housing and the
7 long term health of its rental housing market, dating back to its initial efforts in the
8 1980's to develop and implement a rental housing licensing and inspection program; and

9 WHEREAS, in the 1990's the City implemented a rental housing inspection program that was
10 undermined and ultimately unsuccessful, as limits were placed on the City's inspectors'
11 ability to gain access to units for inspections; and

12 WHEREAS, in 1997 the City of Pasco successfully implemented a rental housing inspection
13 program that required landlords to obtain a business license to operate rental housing and
14 to submit a certificate of inspection from a City or private inspector certifying that the
15 rental units met applicable code standards as a condition of obtaining the business
16 license; and

17 WHEREAS, the Pasco program successfully withstood challenges to the Washington Supreme
18 Court and the Ninth Circuit Court of Appeal; and

19 WHEREAS, in 2007 the City Council again considered implementation of a rental housing
20 inspection program and commissioned a study to gauge the effectiveness of the City's
21 approach to housing code enforcement; and

22 WHEREAS, the 2008 Cedar River Group study recommended that the City enhance its existing
23 code enforcement efforts by seeking State legislation to secure inspection warrant
24 authority, providing new resources to increase outreach and education activities, and by
25 stepping up enforcement once warrant authority has been secured; and

26 WHEREAS, in 2010 the State Legislature passed SSB 6459, which, when it takes effect on June
27 10, 2010, will impose restrictions on a local government's ability to require a certificate
28 of inspection from landlords and the types of rental housing inspection programs local
jurisdictions can enact, and will prohibit a local jurisdiction from enacting a rental
housing inspection program unless the program complies with the restrictions contained
in SSB 6459; and



1 WHEREAS, SSB 6459 contains a “grandfather” clause, that authorizes local jurisdictions that
2 adopt a rental housing inspection program prior to the effective date of SSB 6459 to
3 continue their programs and to make future amendments to their programs without
4 complying with the restrictions contained in SSB 6459; and

5 WHEREAS, the City Council intends to adopt a rental housing inspection program prior to June
6 10, 2010 (with a delayed implementation date), so that the City can tailor a local rental
7 housing inspection program based on local needs rather than the restrictions contained in
8 SSB 6459, and can then amend, as needed, that program to reflect those local needs; and

9 WHEREAS, Council Bill (C.B.) 116857 is the bill that has been introduced and that is intended
10 to be adopted prior to June 10, 2010 to serve as a “placeholder” ordinance, which will
11 allow the City to continue to analyze the scope of a local rental housing licensing and
12 inspection program while continuing its work with stakeholders; and

13 WHEREAS, the City Council also intends to adopt a separate resolution to request that the
14 Department of Planning and Development (DPD) report back to the City Council by July
15 1, 2011 on its efforts to develop and implement policies to implement a local
16 administrative warrant program, as provided in SSB 6459, to enhance local code
17 enforcement tools; and

18 WHEREAS, the City Council has heard from many stakeholders with questions, suggestions,
19 and issues concerning C.B. 116857 and the potential for its successful implementation;
20 and

21 WHEREAS, the City Council intends that the City take the requisite amount of time to develop
22 its policy on rental housing inspections by continuing its work with stakeholders to
23 determine whether the City should implement a rental housing inspection program, and if
24 so, what the contours of that program should be.

25 NOW THEREFORE,

26 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
27 **MAYOR CONCURRING, THAT:**

28 Section 1. The City Council requests that the Department of Planning and Development
(DPD) develop a written report, to be delivered to the Council by February 1, 2011, with its
recommendations, developed after working with stakeholders, for implementing the rental



1 housing inspection program adopted under CB 116857. DPD's written report, analysis, and
2 recommendations, should include, but not be limited to:

- 3 1. The advisability of a program implementation date of October 1, 2011 for testing and
4 registration of rental housing inspectors;
- 5 2. The advisability of a program implementation date of April 1, 2012 for licensing of
6 rental housing businesses;
- 7 3. The scope and focus of a proposed rental housing inspection program, including
8 whether it should be citywide, geographically focused, limited to buildings with a
9 certain number of units or with a certain type of units, etc.
- 10 4. The appropriate inspection standards to be included in a proposed rental housing
11 inspection program;
- 12 5. The advisability of inspecting all units in buildings versus inspecting a sampling of
13 units, and if sampling is advised, the appropriate method of and procedures for
14 sampling;
- 15 6. The appropriate inspection interval, e.g., annually, every 2 years, every 3 years,
16 before renting to a new tenant, etc.;
- 17 7. The applicability of the rental licensing and inspection program to new rental housing
18 units either constructed or converted to residential rental housing after the effective
19 date of the program;
- 20 8. The appropriate inspection method, whether by private or public inspectors, or by self
21 inspections by landlords, and the appropriate credentials for any inspectors making
22 the inspections;
- 23 9. The advisability and cost of registering inspectors;
- 24 10. The proposed cost of a rental housing business license;
- 25 11. What additional landlord and tenant protections/provisions might be needed to
26 ensure its successful implementation; and
- 27 12. If the exemptions proposed under CB 116857 are appropriate or should be expanded
28 or contracted.

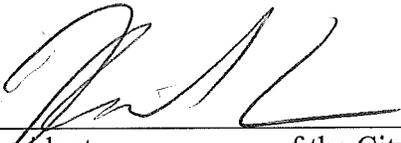


Michael Jenkins
DPD—rental housing inspection- reso
5-27-2010
Version 4

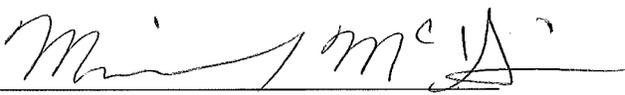
1 Adopted by the City Council the 1st day of June, 2010, and signed

2 by me in open session in authentication of its adoption this 1st day of

3 June, 2010.

4 
5 President _____ of the City Council

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9 THE MAYOR CONCURRING:

10 
11 _____
12 Michael McGinn, Mayor

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14 Filed by me this 9th day of June, 2010.

15
16 
17 City Clerk

18 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins 5-1674	NA

Legislation Title:

A RESOLUTION relating to rental housing and the City’s efforts to improve the quality of rental housing, requesting that the Department of Planning and Development report back to the Council by February 1, 2011 with recommendations on implementation of a rental housing inspection program.

• **Summary of the Legislation:**

The resolution requests that the Department of Planning and Development report to the City Council by February 1, 2011 on their recommendations concerning implementation of a rental housing licensing and inspection program. The program, adopted under Council Bill 116857, sets forth the terms of a rental housing licensing and inspection program affecting rental properties throughout the City, with limited exemptions for owner-occupied housing, subsidized housing, and other specialized housing types. The resolution requests DPD to develop a report to Council, in consultation with stakeholder groups, on at least 12 different issues affecting the implementation of the rental housing licensing and inspection program.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The City has a longstanding interest in the preservation of its rental housing stock. An initial program to regulate rental housing was adopted in the 1980’s but was overturned in a series of lawsuits in the 1980’s and 1990’s. The current model reflected in CB 116857 follows a program developed and implemented in 1997 by the City of Pasco, requiring landlords to obtain a business license to operate rental housing and to submit a certificate of inspection from a City or private inspector certifying that the rental units met applicable code standards as a condition of obtaining the business license. The Pasco program successfully withstood challenges to the Washington Supreme Court and the Ninth Circuit Court of Appeal and serves as the model for the program outlined in CB 116857.

In 2007 the City Council again considered implementation of a rental housing inspection program and commissioned a study to gauge the effectiveness of the City’s approach to housing code enforcement. The report, authorized under Resolution 31031, recommended that the City enhance its existing code enforcement efforts by seeking State legislation to secure inspection warrant authority, in lieu of adopting a Pasco-style program.



In 2010 the State Legislature passed SSB 6459, which follows the model developed by Pasco, but included significant limitations on a local government's ability to require a certificate of inspection from landlords and the types of rental housing inspection programs local jurisdictions can enact, and will prohibit a local jurisdiction from enacting a rental housing inspection program unless the program complies with the restrictions contained in SSB 6459 and is adopted prior June 10, 2010.

The City Council intends to adopt a rental housing inspection program prior to June 10, 2010 (with a delayed implementation date), so that the City can tailor a local rental housing inspection program based on local needs rather than the restrictions contained in SSB 6459, and can then amend, as needed, that program to reflect those local needs.

This resolution requests that DPD begin to address the issues with implementation raised under Councils' review of CB 116857.

- *Please check one of the following:*

X This legislation does not have any financial implications.

The work required under this resolution is expected to be performed under existing budget resources provided to DPD. It is expected that the work required to develop the report will require approximately .5FTE, distributed among existing staff, estimated at approximately \$32,000 in personnel costs (i.e., salary and benefits), excluding overhead. This may require reallocation of existing staff time and resources from other projects under DPD's work plan.

STATE OF WASHINGTON – KING COUNTY

--SS.

256194
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:31217,220,221 TITLE

was published on

06/15/10

The amount of the fee charged for the foregoing publication is the sum of \$ 47.78, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

06/15/10

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 1, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

RESOLUTION NO. 31217

A RESOLUTION urging the State of Washington to establish consistent statewide standards for biosafety laboratories.

RESOLUTION NO. 31220

A RESOLUTION relating to rental housing and the City's efforts to improve the quality of rental housing, requesting that the Department of Planning and Development report back to the Council by July 1, 2011 on its efforts to utilize the inspection warrant authority recently granted by State law.

RESOLUTION NO. 31221

A RESOLUTION relating to rental housing and the City's efforts to improve the quality of rental housing, requesting that the Department of planning and Development report back to the Council by February 1, 2011 with recommendations on implementation of a rental housing inspection program.

Date of publication in the Seattle Daily Journal of Commerce, June 15, 2010.

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