



## Memorandum

Date: February 7, 2023

To: City Council

From: Brad Medrud, Planning Manager

Subject: Tumwater Housing Action Plan – Tenant Protections –  
Rental Housing Registration Ordinance No. O2022-014

After the City Council adopted Resolution No. R2018-016 in the summer of 2018, the City has undertaken a number of actions to address homelessness, increase affordable housing, and continue to work with other jurisdictions and agencies to explore regional solutions to these issues.

As part of this work, the City reviewed actions and measures to undertake to support tenant protections as a way to make it easier for residents in the City who rent to access housing and stay housed.

In September 2021, the City Council adopted the *Tumwater Housing Action Plan*, which informs the City's Comprehensive Plan policies and development regulations, guides implementation strategies, and provides actions to help the City meet its housing needs.

At its March 22, 2022 worksession, the City Council discussed potential actions that the City could undertake alone or on a regional basis to address tenant protection. At the conclusion of that discussion, the City Council asked staff to prepare the three following priority items for further consideration:

- 1) An ordinance to establish a rental registration program in Title 5 *Business Taxes, Licenses and Regulations* to communicate with tenants and landlords about rental regulations and to consider using the program in the future for regular inspections of rental units;
- 2) A scope for a contract with the Dispute Resolution Center for tenant and landlord conflict resolution services. The General Government Committee was briefed on the scope of the contract on January 11, 2023 and the contract will be approved administratively in early 2023; and
- 3) Ordinances to address tenant protections in Title 5 *Business Taxes, Licenses and Regulations*, which are Ordinance Nos. O2022-010 *Unfair Housing Practices* and O2022-012 *Rental Housing Code*. The City Council approved these two ordinances on December 6, 2022.

This memorandum discusses Ordinance No. O2022-014 *Rental Housing Registration*, which would establish a rental registration program in Title 5 *Business Taxes, Licenses and Regulations* to license rental properties with five or more units in order to communicate with tenants and landlords about rental regulations. The program could be expanded in the future to require all rental properties to be licensed and it could be the basis for a program in the future for regular inspections of rental units.

The General Government Committee was briefed on Ordinance No. O2022-014 *Rental Housing Registration* on January 11, 2023. The City Council held a worksession on the ordinance on January 24, 2023 and the City Council will be asked to approve the ordinance on February 7, 2023.

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## **I. Background**

In the spring of 2022, staff integrated the *Tumwater Housing Action Plan* actions and City work group measures for City Council consideration into a suggested order of priority items to address Action #9 in Resolution No. R2018-016.

The priority item list included actions and potential measures that were amendments to the Tumwater Municipal Code as well as actions and potential measures addressed through education and communication efforts led by the City. For most of the actions and potential measures, staff recommended that the City Council discuss developing a communications strategy to let landlords and tenants know what the City is doing, a schedule for staff to develop and run the programs, and allocate funding for staffing and other costs.

City staff is preparing a communication strategy to let landlords know about the information that landlords are required to distribute to tenants under Ordinance No. O2022-012 *Rental Housing Code* that will become effective April 8, 2023 through a new City website, postcard mailings to landlords, and a social media campaign.

Some of the potential *Tumwater Housing Action Plan* actions and City work group measures would involve registration of property owners providing rental units as a first step to gather information on number of units and contacts for education and updates on City programs. A list will be needed to make existing and proposed regulations effective.

The following is the *Tumwater Housing Action Plan* action and City work group measure that is intended to be addressed by Ordinance No. O2022-014 *Rental Housing Registration*.

***Action 5.d. Establish a rental registration program to improve access to data and share information with landlords.***

*Measure 18: Create a list of landlords for communication regarding notices and enforcement*

- A list of landlords will be needed to make existing and proposed regulations effective.
- Staff reviewed the City of Aberdeen’s program, which appears to focus primarily on inspections of rental property for maintenance and upkeep (See Appendices 2 and 3).
- Staff reviewed the City of Auburn’s program, which appears to be combination of inspections of rental property for maintenance and upkeep with tenant information that the City Council addressed through Ordinance No. O2022-012 *Rental Housing Code* (See Appendices 4 and 5).
- Staff reviewed the City of Tacoma’s program, which appears to be a provisional rental property license program intended to address the small percentage of housing that is deemed unsafe for renters and bring that housing into compliance with the RLTA (See Appendix 7).
- Staff reviewed the City of Tukwila’s program, which appears focus primarily licensing rental properties for an ongoing inspection program for maintenance and upkeep (See Appendix 8).
- Initially the City’s program will focus only on establishing a registration for multifamily developments with five or more units in a complex.
- It would be similar to the City of Lacey’s Residential Building Rental Registration Program (LMC 14.02) (five (5) or more rental units required registration in the City’s program, see Appendix 1) and the City of Burien’s Residential Housing Inspection Program (BMC 5.62, see Appendix 6), which requires a business license as well as inspections every three years for all rental properties:  
[https://www.burienwa.gov/city\\_hall/laws\\_regulations/renting\\_in\\_burien/rental\\_housing\\_inspection\\_program](https://www.burienwa.gov/city_hall/laws_regulations/renting_in_burien/rental_housing_inspection_program)
- Cost and resources needed would depend on scope of the program.

- Housing Action Plan Action 5.d is expected to require a high level of effort to implement and have a low effect on housing supply.
- A communications strategy will be needed.
- This action will require City Council consideration of an ordinance to amend TMC Title 5 *Business Taxes, Licenses and Regulations* and funding for staffing.

## **II. Draft City of Tumwater Rental Registration Program Scope**

### **Intent**

The long-term intent of the program would be to educate property owners, property managers, and tenants about City housing codes (TMC 5.70 *Unfair Housing Practices*, TMC 5.75 *Rental Housing Code (Ordinance No. O2022-012)*, TMC 5.80 *Rental Housing Registration (proposed as part of Ordinance No. O2022-014)*, and the TMC 15.18 *International Property Maintenance Code* and their rights and responsibilities.

The program could be expanded in the future to require property owners to verify that their properties meet City maintenance codes and standards when registering with the City and then on a regular basis, such as every three years, thereafter.

### **Considerations**

The City Council should discuss funding for staffing for the program, the schedule for staff to develop and run a rental registration program, as well developing a communications strategy to let landlords and tenants know what the City is doing.

As part of the communications strategy for the adoption of a rental registration program, the City work group suggests that there should be conversations with tenants, housing advocates, such as Together! and Homes First, and property owners, landlords, and real estate management companies, to review and provide comment on the implementation of a rental registration program. The proposed scope for the rental registration program could also be sent to housing staff at Thurston County and the cities of Lacey and Olympia to get their thoughts.

### **Draft Scope**

#### **1) Registration**

- a) Recommend that the program start by requiring that multifamily residential rental projects (projects with five or more rental units) obtain a City business license to operate initially to allow for testing of the program before expansion. Business license applications are \$50 and renewals are \$20 for every business located in the City except non-profit businesses. Long term rentals are business and occupations tax exempt. Currently 76 multifamily developments in the City have five or more units.

- b) Once the program is running for licensing multifamily residential rental projects (projects with five or more rental units), the recommendation is that the program would be expanded in the future to license all residential rental units regardless of size (single-family, duplex, triplex, fourplex, or multifamily (projects with five or more rental units)) in the City.
- c) Property owners would be required to have a business license for their property when they first have a residential tenant in the rental space.
- d) Business licenses would be renewed annually.
- e) There would be exemptions from the business license process for uses such as hotels, motels, bed and breakfasts, short-term rentals, and other similar transient lodging, accessory dwelling units, as well as where residence is merely incidental to detention or the provision of medical, religious, educational, recreational, or similar services, including but not limited to adult family homes, educational facilities, residential care facilities, group foster homes, assisted and independent senior housing facilities, convalescent centers, rest homes, nursing homes, prisons, jails, or other correctional facilities, monasteries and convents, mental health facilities, and hospitals. Other uses such as emergency housing, emergency shelters, and transitional housing and publicly owned housing, such as Thurston Housing Authority projects would be exempt.

## 2) Education Component – First Phase

- a) Educate property owners, property managers, and tenants about state and City housing regulations and their responsibilities:
  - i) Residential Landlord-Tenant Act (RLTA) (RCW 59.18)
  - ii) TMC 5.70 *Unfair Housing Practices*
  - iii) TMC 5.75 *Rental Housing Code (Ordinance No. O2022-012)*
  - iv) TMC 5.80 *Rental Housing Registration Program (proposed as part of Ordinance No. O2022-014)*
  - v) TMC 15.18 *International Property Maintenance Code*

## 3) Inspection Component – Second Phase, after the first phase is running

- a) Recommend that all registered rental properties be inspected when they are initial registered.
- b) Recommend that all registered rental properties be inspected at least once every three years thereafter.
- c) Recommend that the property owner hire a qualified rental housing inspector or City inspector to do the inspections.

- d) Recommend that the City's existing complaint-based code enforcement process for housing code violations continue.
- e) If the City were to pursue an inspection program in the future, the costs would have to be evaluated.

#### 4) Cost

- a) Initial costs of establishing the rental registration program and education component would come from the City's existing business licenses program for licensing multifamily residential rental projects with five or more rental units initially and then in the future all residential rental units regardless of size (single-family, duplex, triplex, fourplex, or multifamily (projects with five or more rental units)).
- b) Once the City Council approves an inspection program in the future, property owners would pay a small to be determined per rental unit fee to offset costs of the program. In Lacey's program, the annual registration fee is \$5.00 per living unit with a maximum fee of \$500.00 per complex.
- c) City general government funds would be expected to cover the rest of the costs, potentially in the \$100,000 to \$150,000 annual range.
- d) Costs would be higher to start the program before per rental unit fees are collected to offset costs to the general government fund.

#### 5) Staffing

- a) Recommend that the City hire 1.0 FTE to manage and run the full program. This FTE could also function eventually as the City's housing inspector for the program, as well as running the registration and educational components.
- b) The City could consider this staff person to take on a rental housing navigator role as well.

#### 6) Timeline

- a) Public engagement process with tenants, small and large landlords, and property maintenance companies in winter 2023.
- b) Approve Ordinance No. O2022-014 to create new section (TMC 5.80 *Rental Housing Registration Program (proposed)*) in Title 5 *Business Taxes, Licenses and Regulations* to establish a rental housing registration program in winter 2023.
- c) Initial authorization and annual funding would be through the 2023-24 biennial budgeting process.

### **III. Additional Notice Required**

Pursuant to EHB 2971, passed by the 2016 state legislature and codified at RCW 64.06.080 and RCW 43.110.030(2)(e), the Municipal Research and Service Center is directed to provide the following on its website:

- A summary of all requirements imposed by cities, towns, and counties on landlords or sellers of real property to provide information to a buyer or tenant "pertaining to the subject property or to the surrounding area"; and
- An internet link to the ordinances, resolutions, or policies imposing those requirements.

For that reason, City should provide to Municipal Research and Service Center a summary of any pertinent ordinance, resolution, or policy that impose requirements on sellers or landlords to disclose designated information to purchasers or renters; and an internet link to the ordinance, resolution, or policy.

## **Appendix 1: City of Lacey – Residential Building Rental Registration Program (LMC 14.02)**

### **Chapter 14.02 Residential Building Rental Registration Program**

#### **Sections:**

- 14.02.010 General
- 14.02.020 Purpose
- 14.02.030 Registration information
- 14.02.040 Registration fees
- 14.02.050 Incentives

#### **14.02.010 General.**

All properties containing five or more dwelling units in the same complex which, for payment of money, goods and/or services, are rented or leased to any individual or group of individuals shall be registered annually with the community and economic development department. All new buildings within such complexes shall be registered during the final inspection or certificate of occupancy process. All existing buildings or building complexes containing five or more dwelling units shall be registered with the city within thirty days after notification by the city to the building owner or property manager following enactment of this chapter and prior to January 31st of each year thereafter. (Ord. 1539 §1, 2019; Ord. 1095 §1, 1999).

#### **14.02.020 Purpose.**

The purpose of the Residential Building Rental Registration Program is to prevent neighborhood blight and deterioration by providing accurate information for the notification of owners, or the owners' agents by officers of the City of Lacey, so as to be able to respond quickly and accurately if a complaint is filed against the property. It is also the intent of this program to offer incentives for the voluntary compliance by the owners of all residential rental buildings with the Crime Prevention Through Environmental Design (CPTED) Program, and participation by the owners of all multiple family rental buildings in the Crime Free Multi-Family Housing Program. (Ord. 1095 §1, 1999).

#### **14.02.030 Registration information.**

A. In order to register residential rental buildings, the following information shall be provided to the community and economic development department:

1. The address of the residence of the owner, or corporation officers, if a corporation;
2. The address where the owner will receive mail;
3. The owner's telephone number;
4. The address of each residential rental property owned, within the city of Lacey;
5. List the number of dwelling units at each rental address, with the gross floor area of each unit, and number and floor area, excluding closet space, of each bedroom within the unit;
6. Whether a tenant-screening agency is being used;



7. Telephone number of the on-site manager; and if applicable

8. Telephone number of the security agency.

B. In addition to the information required by subsection A of this section, each owner whose principal place of residence is outside a fifty-mile radius measured from the Lacey City Hall, at 420 College Street S.E., shall provide the following information:

1. The name of one local agent for each property;

2. The address where the local agent will receive mail; and

3. The local agent's telephone number.

All of the above information shall be submitted to the community and economic development department on forms provided for that purpose. (Ord. 1539 §2, 2019; Ord. 1095 §1, 1999).

**14.02.040 Registration fees.**

A. An annual registration fee of \$5.00 per living unit shall be paid by each owner or corporation of residential rental properties, with a maximum fee of \$500.00 per complex.

B. Changes in ownership shall require a new registration.

C. Ten percent of the fees received pursuant to Chapter 14.02 LMC are designated for use in conducting the Crime Prevention Through Environmental Design (CPTED) Program and the Crime Free Multi-Family Housing Program. The balance of such fees is designated for use in the enforcement of the City of Lacey Property Maintenance Code by the city and for abatement costs incurred by the city. (Ord. 1187 §1, 2002; Ord. 1095 §1, 1999).

**14.02.050 Incentives.**

The annual registration fee shall be waived for all owners of residential rental properties which voluntarily participate in the Lacey Crime Free Housing Program, and meet the certification requirements. Loss of certification will revoke this waiver of registration fees. Participation in the training component of the Lacey Crime Free Housing Program by a property manager employed by the owner shall constitute compliance with the training requirement by such owner. (Ord. 1095 §1, 1999).

## **Appendix 2: City of Aberdeen – Rental Registration and Inspection Program**

From <https://www.aberdeenwa.gov/325/Property-Maintenance-Division>

### **RENTAL LICENSE REGISTRATION AND RENTAL INSPECTION**

#### **WHAT IT IS**

The Rental Registration and Inspection Program (RRIP) helps ensure that all rental housing in Aberdeen is safe and meets basic housing maintenance requirements. The program educates property owners, managers, and renters about City housing codes and their responsibilities; and requires owners to verify that their properties meet these standards when registering with the City.

#### **REGISTRATION**

- The Rental Registration and Inspection Program requires landlords to register all rental housing units in Aberdeen, from single-family houses to large apartment buildings.
- Exceptions to the registration requirement include commercial lodging, state-licensed facilities such as adult family homes, and housing owned by government groups or by housing authorities such as Aberdeen Housing Authority. See AMC 15.10 for more detail. [Note AMC 15.10 is similar to TMC 15.18 *International Property Maintenance Code*]
- Landlords must register their properties as soon as they have a tenant in the rental space.
- Registrations must be renewed every year.

#### **INSPECTION**

- The ordinance requires that all registered rental properties be inspected at least once every 3 years.
- The owner must hire a qualified rental housing inspector or City inspector to do the inspections.
- This ordinance does not cover complaint-based enforcement of City housing standards. We will continue our complaint-based process for housing code violations. Our City housing inspectors will continue to enforce all housing code standards and other applicable codes.

### **Appendix 3: City of Aberdeen – Residential Rental Business License (AMC 5.06)**

#### **Chapter 5.06**

#### **RESIDENTIAL RENTAL BUSINESS LICENSE**

##### **Sections:**

5.06.010	Purpose.
5.06.020	Definitions.
5.06.030	Scope.
5.06.040	Residential rental business license requirement.
5.06.050	Inspection required.
5.06.060	Inspection consent.
5.06.070	Inspection checklist.
5.06.080	Deficiencies.
5.06.090	Violations.
5.06.100	Reinspections.
5.06.110	Notice of nonissuance of certificate of compliance.
5.06.120	Contents of certificate of compliance.
5.06.130	Certificate of compliance validity and renewal.
5.06.140	Notice.
5.06.150	Authority.
5.06.160	Administrative regulations.
5.06.170	Complaint-based inspections.
5.06.180	Voluntary inspection requests.
5.06.190	Penalties.
5.06.200	Appeal.
5.06.210	Annual review and report.
5.06.220	Immediate health and safety threats.
5.06.230	No warranty by city.

##### **5.06.010 Purpose.**

The city council finds that the establishment of a residential rental business license and inspection program for rental units is necessary to protect the public health, safety and welfare by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions and by preventing conditions of deterioration and blight that could adversely impact the quality of life in the city of Aberdeen.

(Ord. 6634 § 2, Added, 12/12/2018)

##### **5.06.020 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted using the meaning they have in common usage and to give this chapter its most reasonable application.

- A. “Accessory dwelling unit” or “ADU” means a unit that meets the requirements of Section 17.04.070.
- B. “Applicable laws” include, but are not limited to, the city’s zoning ordinance, the city’s rental registration and inspection ordinance and other city ordinances and other laws or regulations relating to the health and safety of city residents or the general public.
- C. “Certificate of compliance” means the certificate issued by the city evidencing compliance with the requirements of this chapter. A certificate of compliance is required before a unit can be rented.
- D. “Code official” means the department of community development director or his/her designee.
- E. “City” means the city of Aberdeen, Washington.
- F. “Deficiency” means any failure by a rental unit to comply with applicable laws.
- G. “Department” means the city of Aberdeen department of community development.
- H. “Inspection checklist” means the document submitted to the city as the result of an inspection conducted by an inspector which shows the true condition of the unit. An inspection checklist must be signed and dated by the inspector.
- I. “Inspector” means:
1. A city building code inspector;
  2. A city code enforcement officer;
  3. A private inspector, approved by the city upon evidence of at least one (1) of the following credentials: A.A.C.E. property maintenance and housing inspector certification, I.C.C. property maintenance and house inspector certification or I.C.C. residential building code inspector;
  4. A Washington State licensed architect; or
  5. A Washington State licensed home inspector.
- J. “Lease” means any agreement that gives rise to relationship of landlord and tenant.
- K. “Noncity inspector” means any inspector meeting the criteria in this section who is not a city code official.
- L. “Occupant” means an individual, partnership, corporation or association or agent of any of them lawfully residing in a unit.
- M. “Owner” means the owner of record as shown on the last Grays Harbor County tax assessment roll or such owner’s authorized agent.
- N. “Rental unit” means a unit occupied or leased by a tenant.
- O. “Single-family residence” means a building, modular home, or new manufactured home designed to contain no more than one (1) dwelling unit, plus one (1) accessory dwelling unit.

P. “Tenant” means an adult person granted temporary use of a rental unit pursuant to a lease or rental agreement with the owner of the rental unit.

Q. “Unit” means any structure or part of a structure which is used as a home, residence or sleeping place by one (1) or more persons, including, but not limited to, single-family residences, duplexes, triplexes, four-plexes, multifamily dwellings, apartment buildings, condominiums, mobile homes and similar living accommodations.

R. “Unit unavailable for rent” means a unit whose owner has filed with the director a statement signed under penalty of perjury that such unit is not offered or available for rent as a rental unit and that, prior to offering or making the unit available as a rental unit, the owner will apply or reapply for a residential rental business license and comply with any applicable administrative regulations adopted pursuant to this chapter.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.030 Scope.**

The provisions of this chapter shall apply to all rental units, with the exception of:

- A. Owner-occupied rental units;
- B. Units unavailable for rent;
- C. Housing accommodations in hotels, motels, inns or tourist homes;
- D. Housing accommodations in retirement or nursing homes;
- E. Housing accommodations in any hospital, state-licensed community care facility, convent, monastery or other facility occupied exclusively by members of a religious order, or an extended medical care facility;
- F. Housing accommodations that a government unit, agency or authority owns, operates or manages, or which are specifically exempted from municipal regulation by state or federal law or administrative regulation. This exception shall not apply once the governmental ownership, operation or management regulation is discontinued.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.040 Residential rental business license requirement.**

A. Every rental unit owner shall obtain an annual residential rental business license, to be issued pursuant to this chapter, prior to operating, leasing, or causing to be leased a rental unit. Rental unit owners must file a written application annually with the director covering each rental unit to be leased. Each rental unit and each unit unavailable for rent must be separately identified in the application. Multiple rental units owned and operated by the same business entity on more than one (1) premises may be included in a single license. To be considered for approval, residential rental business license application must be completed and include:

1. Completed and signed residential rental business license application provided by the city.
2. Appropriate application fee as set forth in the fee schedule adopted by resolution of the city council. Late fees will be due for applications filed after March 1st.

B. Failure to obtain a residential rental business license will result in the inability to rent the unit.  
(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.050 Inspection required.**

The property owner is responsible for obtaining an inspection of each rental unit and submitting the inspection checklist to the code official no later than September 30th of the year the certificate of compliance expires. When a unit changes from owner occupancy to a rental, the inspection must occur before the unit is occupied by the tenant. An inspection is not required the year a certificate of occupancy is issued for a newly constructed building and thereafter for a period of five (5) years. After the five (5) year period expires, the building will be inspected according to the quadrant in which it is located. Owners of rental properties may utilize a city inspector or a noncity inspector, as defined herein. The city shall provide the inspection checklist to the owner with the application form. The code official shall issue a certificate of compliance for rental units that comply with applicable laws based on a submitted inspection checklist. If using a noncity inspector, the owner shall be responsible for making the inspection arrangements with the noncity inspector.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.060 Inspection consent.**

Owners shall make every effort to make units available for inspection pursuant to this chapter. If the owner fails to arrange for a noncity inspector and/or the owner or occupants do not consent to city entry for inspection, the code official may not force or otherwise attempt to gain entry except in accordance with a court warrant authorizing entry for the purpose of inspection.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.070 Inspection checklist.**

As a condition of the issuance of a residential rental business license, the owner shall provide a completed inspection checklist signed by the inspector showing the current condition of the rental unit. The code official shall issue a certificate of compliance upon receipt of the inspection results indicating compliance with the applicable laws pursuant to this chapter.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.080 Deficiencies.**

The inspector shall provide the owner and the city written notice of each deficiency disclosed by inspection. Repairs required to bring the unit into compliance are the responsibility of the owner. Rental units shall be subject to reinspections pursuant to Section 5.06.100.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.090 Violations.**

If an inspection of a rental unit conducted pursuant to this chapter reveals deficiencies on the inspection checklist, the violation must be cured within thirty (30) days. If, upon reinspection, the unit still reveals deficiencies, the city's code official may seek any remedies permitted by law including, but not limited to, denial or revocation of a residential rental business license for that

unit pursuant to this title, and abatement proceedings pursuant to Chapter 15.50. The city may seek legal or equitable relief to enjoin any act or practice that constitutes or will constitute a violation of any regulation under this chapter.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.100 Reinspections.**

A rental unit that exhibits deficiencies on the inspection checklist shall be subject to a reinspection. The first reinspection is not subject to a reinspection fee. More than one (1) reinspection trip by a city inspector will be subject to additional reinspection fees as set forth in the city's fee schedule.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.110 Notice of nonissuance of certificate of compliance.**

If, upon reinspection, the inspector determines a rental unit is unfit for occupancy by failing an inspection, the city shall provide the owner with written notice of nonissuance of a certificate of compliance. Such notice shall specify the date of the nonissuance determination, the rental unit address, the name of the owner, the name of the inspector and the specific reasons for the nonissuance determination. Failure to obtain a certificate of compliance will result in the nonissuance or revocation of the rental business license for that unit. The unit shall be posted unfit for occupancy. Tenants, if any, shall be required to vacate.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.120 Contents of certificate of compliance.**

The certificate of compliance shall specify the date of issuance, the rental unit address, the name of the owner to whom the certificate is issued, the expiration date of the certificate, and an indication the rental unit complies with applicable laws as far as could be determined by inspection.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.130 Certificate of compliance validity and renewal.**

Certificates of compliance expire three (3) years from the date of issuance by the city. Failure to renew the certificate of compliance every three (3) years shall result in the nonissuance or revocation of the rental business license for that unit.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.140 Notice.**

All notices issued pursuant to this chapter shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner and occupants shall be mailed by first-class mail to the owner's last known address as it appears in the records of the County Assessor or other address provided by the owner.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.150 Authority.**

The code official shall be responsible for enforcement and administration of this chapter.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.160 Administrative regulations.**

The code official is authorized and directed to promulgate administrative regulations pertaining to the implementation of this chapter.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.170 Complaint-based inspections.**

Nothing contained herein shall prevent or restrict the authority of the city's code official to inspect any unit or premises thereof in response to a complaint alleging code violations or other violations of law at such unit and to pursue all code enforcement remedies available under this code or other laws following such a complaint-based inspection of a unit.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.180 Voluntary inspection requests.**

Nothing in this chapter shall be construed to prohibit an owner from voluntarily requesting an inspection to determine whether a rental unit complies with applicable laws, even though such inspection requests shall be subject to all of the provisions of this chapter including, but not limited to, the provisions governing applications and fees.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.190 Penalties.**

A. Violations of the provisions of this chapter shall be subject to enforcement and penalties as prescribed in Chapter 15.50 and the issuance of a notice of violation in accordance with Section 15.50.160.

B. Any violation of this chapter that constitutes an immediate health or safety threat shall constitute a public nuisance.

C. In addition to penalties, the city shall not issue or shall revoke the unit's business license and require that the unit be vacated until the unit is brought into compliance.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.200 Appeal.**

A. The owner may appeal the nonissuance of a certificate of compliance by filing a written notice of appeal with the director within ten (10) calendar days following receipt of the notice of nonissuance. The notice of appeal must state the grounds for appeal, including a detailed explanation of why the decision was incorrect. The notice of appeal must be accompanied by an appeal fee in accordance with the fee scheduled adopted by resolution of the city council. A timely notice of appeal shall stay the effect of the notice of nonissuance until the city's building code commission or other hearing body issues a written decision on the appeal.



B. Upon timely filing of a notice of appeal, the director shall schedule a hearing on the appeal before the city's building code commission or other hearing body. The hearing shall be conducted no later than thirty (30) business days from the date of the notice of appeal, unless an extension is agreed to by the appellant or otherwise ordered by the building code commission or other hearing body for good cause shown. Notice of the hearing will be mailed to the owner.

C. The hearing shall be de novo. The decision of the building code commission or other hearing body shall be based upon a preponderance of the evidence. The burden of proof shall be on the appellant. The building code commission or other hearing body may affirm, reverse or modify the director's decision.

D. Within twenty (20) business days, excluding holidays recognized by the city of Aberdeen, from the date of the hearing on an appeal under this section the building code commission or other hearing body shall issue a written decision, which shall set forth the reasons therefor.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.210 Annual review and report.**

The code official shall conduct an annual review of the residential rental business license and inspection program and shall submit an annual report of the program's effectiveness to the city council.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.220 Immediate health and safety threats.**

Nothing in this chapter shall limit the city's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

(Ord. 6634 § 2, Added, 12/12/2018)

**5.06.230 No warranty by city.**

By enacting and undertaking to enforce this program, the city, city council, its agents and employees do not warrant or guarantee the safety, fitness or suitability of any dwelling in the city or any unit inspected under this program. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(Ord. 6634 § 2, Added, 12/12/2018)

**The Aberdeen Municipal Code is current through Ordinance 6685, passed June 22, 2022.**

Disclaimer: The city clerk's office has the official version of the Aberdeen Municipal Code. Users

#### Appendix 4: City of Auburn – Residential Rental Registration Program

From [https://www.auburnwa.gov/city\\_hall/community\\_development/landlord\\_tenant\\_info/landlords/rental\\_housing](https://www.auburnwa.gov/city_hall/community_development/landlord_tenant_info/landlords/rental_housing)

Most forms of renting or leasing residential property in the City of Auburn requires an owner to obtain a Rental Housing License. The purpose of the licensing program is to ensure that non-owner occupied properties are properly maintained and managed. The licensing program ensures that we have current and accurate property ownership/management information so that we are approaching the correct party when we receive a complaint rather than directing our communications towards tenants. The following table provides a general overview of the more common types of living arrangements that include some form of property rental or leasing.

#### Residential Rental Housing Summary

Rental Type	Requirements
<b>Owner Occupied Home: Rental of Rooms -</b> Allowed Residential Zones: RC, R-1, R-5, R-7, R-10, R-16, R-20	<ul style="list-style-type: none"> <li>City License Requirement: If renting to <b>2 or fewer persons</b>, no license</li> <li>Occupancy Limit: Family +2</li> <li>Fee: \$0</li> <li>Inspection: None</li> </ul>
	<ul style="list-style-type: none"> <li>City License Requirement: If renting to <b>more than 2 persons</b>, an annual <b><u>City Rental License</u></b> (PDF) is required</li> <li>Occupancy Limit: Family +4</li> <li>Fee: \$53</li> <li>Inspection: None</li> </ul>
<b>Non-Owner Occupied Home: Single Lease Agreement for Entire Home -</b> Allowed Residential Zones: RC, R-1, R-5, R-7, R-10, R16, R-20	<ul style="list-style-type: none"> <li>An annual <b><u>City Rental License</u></b> (PDF) is required for each address.</li> <li>Occupancy Limit: IPMC</li> <li>Fee: \$53</li> <li>Inspection: None</li> </ul>
<b>Non-Owner Occupied Home: More than One Lease Agreement within Home</b> (a.k.a Communal residence) - Allowed Residential Zones: RC, R-1, R-5, R-7, R-10, R-16, R-20	<ul style="list-style-type: none"> <li>An annual <b><u>City Rental License</u></b> (PDF) is required for each address.</li> <li>Occupancy Limit: 4</li> <li>Fee: \$150</li> </ul>

Rental Type	Requirements
	<ul style="list-style-type: none"> <li>An initial inspection is required prior to issuance of City Rental License. Annual Inspection required prior to renewal.</li> </ul>
<b>Apartments</b> - Allowed Residential Zones: R-10, R-16, R-20	<ul style="list-style-type: none"> <li>An annual <b><u>City Rental License</u></b> (PDF) is required for the complex.</li> <li>Occupancy Limit: IPMC</li> <li>1-4 units:\$53, 5-24 units:\$106, &gt;24 units:\$212</li> <li>Inspection: None</li> </ul>
<b>State Licensed Facilities: Adult Family Home, Group Residence, Assisted Care, Foster Care, Nursing Home, Supportive Housing</b> - Allowed Residential Zones: Varies depending upon the type of facility	<ul style="list-style-type: none"> <li>An annual City <b><u>Business License Application</u></b> (PDF) is required for each address.</li> <li>Occupancy Limit: Varies depending upon the type of facility.</li> <li>Fee: \$50</li> <li>Inspection: An initial city inspection is required prior to issuance of the State License.</li> </ul>

### Residential Rental Housing Details and Resources

The City requires a rental housing business license for anyone renting a unit, either single-family residential or multi-family **residential**. The application form is available in the link below. A rental housing business license is renewed annually with notices sent out by the City of Auburn at the end of November each year. It is the landlord's responsibility to renew the license by January 1 of each year. If you operate a communal residence then the landlord is responsible for scheduling an inspection with the City prior to the license or renewal being issued.

The Rental Housing Manager Training schedule is now available. For more information or to register, please visit [www.auburnwa.gov/ManagerTraining](http://www.auburnwa.gov/ManagerTraining).

If you would like to learn more about the rules and licensing requirements for rental housing in the City of Auburn you can review the code citations below.

### **Ordinances and Regulations**

Auburn City Code **Chapter 18.04** - Definitions for Communal Residence, Family, Foster Care Homes, Group Residence Facilities, Renting of Rooms, Assisted Living Facilities, Convalescent Homes, Supportive Housing

Auburn City Code **Chapter 18.07.020** - Permitted Use Table for Residential Zones

Auburn City Code **Chapter 18.31.130** - Communal Residence Standards

**Ordinance 6560** - 2015 Communal Residence Code Amendments

Auburn City Code **Chapter 5.22** - Rental Housing Business License Requirements

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The following is what is required by the City of Auburn as of 2020 at three different phases of the rental process:

1. At time of application the landlord must provide the tenant with their written rental criteria and the website address designated by the City for the purpose of obtaining information on:
  - Local code enforcement action relating to the property
  - Website address to the Washington Secretary of State for the purposes of registering to vote or changing address if already registered to vote.
2. When a rental agreement/lease is offered, the landlord must provide the tenant with a written copy of the summaries prepared by the City, which includes information on the following:
  - Rental Housing Code (ACC 5.23)
  - Auburn Building and Property Maintenance Code
  - Washington State Residential Landlord-Tenant Act (RLTA) (RCW 59.18)
  - Forcible Entry and Forcible Unlawful Detainer (RCW 59.12)
3. During tenancy, landlords must provide tenants with a notice of resources prepared by the City when the landlord serves any notice to a tenant under RCW 59.12.030 which include:
  - 14-day pay or vacate
  - 3-day for waste or nuisance
  - 10-day comply or vacate
- Notice to terminate tenancy

Landlords are required to provide copies of summaries to existing tenants within 30 days of them being made available by the City of Auburn. The initial distribution of information to tenants must be in written form and landlords must obtain tenant's signature documenting receipt of

such information. If a tenant refuses to provide a signature documenting the tenant's receipt of the information, the landlord may draft a declaration stating when and where the landlord provided tenant with the required information. After the initial distribution of the summaries to tenants, a landlord shall provide existing tenants with updated summaries by the City, and may do so in electronic form unless a tenant otherwise requests written summaries.

## **Appendix 5: City of Auburn – Rental Housing Business License and Strategies (ACC 5.22)**

### **Chapter 5.22**

#### **RENTAL HOUSING BUSINESS LICENSE AND STRATEGIES**

##### Sections:

- 5.22.010 Purpose.
- 5.22.020 Definitions.
- 5.22.030 Business license – Fee.
- 5.22.040 Advisory board on rental housing.
- 5.22.050 Rental housing business license performance standards.
- 5.22.055 Additional rental housing business license criteria for multifamily dwelling units.
- 5.22.057 Inspections.
- 5.22.060 License application – Required – Form.
- 5.22.070 License application – Approval or disapproval procedure.
- 5.22.080 License – Display – Nontransferability – Responsibility.
- 5.22.090 License – Revocation.
- 5.22.100 Employment of law enforcement officers.
- 5.22.110 Reimbursement for transitional costs.
- 5.22.120 Violation – Penalty.
- 5.22.130 Nonexclusive enforcement.

##### **5.22.010 Purpose.**

This chapter applies to all rental units in the city of Auburn. The purpose of this chapter is:

- A. To protect the health, safety and welfare of the tenants that reside within a rental property.
- B. To establish standards that protect both landlord and tenant rights.
- C. To protect the health, safety and welfare of the general public that visit rental properties or that reside at nearby properties.
- D. To establish uniform and consistent policies and procedures for the licensing of rental units.
- E. To establish enforcement procedures that are invoked as a result of violations of Auburn City Code. (Ord. 6755 § 3 (Exh. C), 2019.)

##### **5.22.020 Definitions.**

The following words and phrases when used in this chapter shall have the meanings set forth below:

- A. “Department” means the city of Auburn department of community development or successor agency.
- B. “Director” means the director of the city of Auburn department of community development.

C. “Rental housing owners,” as used in this chapter, means the individual(s) and/or business entities owning or having an ownership interest in any rental housing unit(s), or rental manufactured/mobile home park lot(s), within the city of Auburn.

D. “Non-owner managers,” as used in this chapter, means any person(s) or business entity hired or engaged for the purpose of providing management services for any rental housing units within the city of Auburn, where the manager(s) has/have no ownership in the rental housing units being managed.

E. “Rental unit” means any dwelling unit, or manufactured/mobile home park lot, in which the home sits on, in the city, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which is not owned by its occupant(s) as a condominium unit or cooperative unit on the effective date of the ordinance codified in this chapter. For the purposes hereof, “rental housing” and “rental units” shall have the same meaning unless the context clearly indicates otherwise.

F. “Residential unit,” as used in this chapter, means a building, manufactured/mobile home or lot, or portion of a building or lot intended to be occupied by one family and containing sleeping, eating, cooking and sanitation facilities as required by this code.

G. “Ongoing criminal activity,” as used in this chapter, occurs when:

1. Within any six-month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has 10 or fewer rental units, is the location for three or more crimes, as defined by the Revised Code of Washington or the Auburn City Code, as a result of three or more separate factual incidents that have been independently investigated by any law enforcement agency; or
2. Within any 12-month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has more than 10 rental units, is the location for three or more crimes, as defined by the Revised Code of Washington or the Auburn City Code, as a result of three or more separate factual incidents that have been independently investigated by any law enforcement agency.

H. “Permitting a public nuisance that affects public health and safety,” as used in this chapter, occurs when:

1. Within any 12-month period, the property of a rental housing business which is subject to the licensing requirements of this chapter is the location for three or more separate factual and independently investigated and confirmed public nuisance violations, as defined by the Auburn City Code.

I. “Rental housing business,” as used in this chapter, means any person, company, association or entity that rents or leases, or makes available for rent or lease, one or more rental units for rent or lease as residential units. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.010.)

**5.22.030 Business license – Fee.**

Each rental housing business operating in the city, as defined herein, shall obtain and maintain in good standing a city of Auburn business license issued by the city in accordance with the procedures of this chapter and this title.

A. The fee for a business license required under this chapter shall be as set forth in the city of Auburn fee schedule.

B. The business license fee shall be for the calendar year (January 1st through December 31st), and each applicant for the business license must pay the full business license fee for the current calendar year during which the applicant has engaged in business, regardless of when during the calendar year the license is obtained. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 6477 § 1, 2013; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.020.)

**5.22.040 Advisory board on rental housing.**

There is hereby established an advisory board to the city, to be known as the advisory board on rental housing. The advisory board shall be comprised of interested owners and managers of rental housing units, individuals or organizations that represent tenants, and other interested persons, appointed by the mayor to serve on an as-needed basis. The mayor or designee shall serve as an ex officio member of the board. The advisory board shall meet quarterly, or as needed. The advisory board shall act in an advisory capacity and assist the city, as needed, in connection with rental housing related issues in the city and regionally, including but not limited to:

- A. Facilitate cooperation and coordination with the department on rental housing issues;
- B. Recommend to the city programs and strategies to enhance community awareness of rental housing related issues;
- C. Recommend approaches for rental housing training programs, including city-sponsored training;
- D. Develop networking and strategies for the city to deal with rental housing issues and develop partnership and support programs, educational programs, landlord or tenant rights, property protection and preparation programs, and other best management practices;
- E. Coordinate, develop and disseminate procedures for tenant screening, rental housing agreements (including language to include enforcement of rules and protection of facilities and neighborhoods), eviction techniques and strategies;
- F. Provide ongoing management resources, including regular, periodic meetings, telephone and other response strategies;
- G. Monitor inappropriate activities by owners, managers and operators of rental housing units, and counsel said owners, managers and operators in reasonable alternatives, such monitoring to be done through the receipt of complaints or by any other legally viable method;
- H. Promote strong ties and build mutually beneficial relationships between first responders and rental housing operators by teaching methods for recognizing illegal activity, identifying and reporting crimes, knowing and understanding police and code enforcement functions, roles, and



limitations, facilitating the exchange of information between first responders and owners/managers, or other agencies as indicated;

I. Develop and/or identify dispute resolution alternatives and similar resources that may be utilized in disputes between the owners, managers and operators of rental housing units and tenants, and others with interests therein;

J. Recognize and incorporate programs and procedures that identify and reflect cultural influences and sensitivities, and which promote greater understanding of differences in the tenant/community population;

K. Act as liaison between the rental housing community and the city whenever possible;

L. Partner, on behalf of the city, with other agencies or entities to seek programs and grants to support and enhance rental housing residential stock in the city; and

M. Participate in such other and related roles and functions as requested by the city. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.030.)

#### **5.22.050 Rental housing business license performance standards.**

A. Owners and/or managers of rental housing businesses shall comply with the performance standards established in this section and chapter in order to maintain their rental housing business license in good standing as required by ACC 5.22.020. The department shall identify and communicate with the owners and managers of rental housing businesses, as it deems appropriate, regarding the criteria established in this chapter. The department may establish forums for information sharing including 9-1-1 incident dispatch history, and enforcement review, as it deems appropriate, in order to encourage compliance with these criteria prior to escalating enforcement action.

B. Owners or their designated property managers shall attend multifamily manager training when such is offered by the city of Auburn or other local municipality whose curriculum has been previously approved by the director, and the license holder is given written notice to attend. This shall be a one-time requirement. The city of Auburn may require additional attendance at multifamily manager training if: the property is sold; the owner hires new management; there is turnover in staff of the existing management company; or as deemed necessary to correct escalating code violations, criminal activity, and other known threats to public health and safety.

C. A property of a rental housing business that meets the definition of “ongoing criminal activity” or “permitting a public nuisance that affects public health and safety” shall be subject to any and all of the following criteria:

1. Following the city’s review of 9-1-1 incident history, the owner may be directed to meet with Auburn police and/or code enforcement to conduct an in-depth crime analysis. Based on this analysis the owner or manager may be required to implement the mutually derived crime prevention strategies identified by Auburn police and/or code enforcement, and the owner or manager;

2. The property owner and/or manager shall continue to comply with city directed crime prevention strategies in an effort to reduce or eliminate recurring criminal or nuisance activity. The city may also implement a city directed crime prevention strategy whenever a residential unit is the location for any other criminal or nuisance activity not previously identified and which results in an arrest or issuance of a citation whether or not the person arrested or cited is a tenant. Strategies will be reasonably tailored to the particular location and situation and will be consistent with strategies implemented by other municipalities in similar situations;

3. Upon implementation of the mutually derived crime prevention strategies, and with a written request, the rental housing business owner or manager shall perform an inspection of rental housing property and premises consistent with ACC 5.22.057, and their ability to do so under the requirements of the landlord-tenant statutes of the state of Washington and the Auburn City Code. The city may, with the legally obtained consent of an occupant or owner, or pursuant to a lawfully issued warrant, enter any building, structure or premises in the city to inspect or perform any duty imposed by this code;

4. If, after implementation of crime prevention strategies, recurring criminal or nuisance activity continues at any particular location which is subject to the licensing requirements of this chapter has failed to eliminate the recurring criminal or nuisance activity at the location, the rental housing owner may be directed to hire security officers selected by the manager-operator. Implementation of manager-operator selected security shall stay revocation of the business license so long as the security is effective in eliminating the recurring criminal and/or nuisance activity at said licensed location;

5. In the event that the rental housing business owner does not comply with the corrective actions of this section, the city may revoke the rental housing business owner's license. Business license revocation shall be the ultimate resort for enforcement purposes. Business license revocation shall occur as otherwise set out in this chapter.

D. It is envisioned that most problems can be resolved by participation in multifamily manager training and implementation of its recommended practices. Failure to participate in any of the above strategies including subsection B of this section may subject the licensed/registered party to revocation. Any expense incurred in connection with this section will be borne by the licensed/registered party.

It is further provided that the "inspection of the residential units of rental housing units," subsection (C)(3) of this section, includes inspection of residential units in the complex for any applicable health, building, fire, housing or life-safety code violations, or other serious violations.

E. The following requirements are established for communal residences as defined in ACC Title 18:

1. The owner/landlord must provide the following information and any additional information on the rental business license application form at the time of submittal:

a. Total number of bedrooms in the rental unit.

- b. Total number of occupants.
2. The owner/landlord must provide updated information for each of the items outlined in subsection (E)(1) of this section each year with their rental business license renewal.
3. The owner/landlord must sign a statement that confirms their understanding and acceptance of the conditions and obligations incurred as a landlord. At a minimum, the statement will:
- a. Outline the landlord's responsibilities for providing a safe living environment for their tenants.
  - b. That structural additions and modifications are to be properly permitted and inspected.
  - c. That garbage and recycling will be properly managed.
  - d. Landscaping and external appearance of the property are properly maintained.
  - e. That adequate off-street parking will be provided for all tenants meeting the requirements of ACC 18.31.130.
  - f. That noise and other public nuisances, see ACC Title 8, will be monitored and controlled.
  - g. That annual inspections are required in order to obtain a communal rental housing or city of Auburn business license.
  - h. That anyone under the age of 18 is subject to the curfew regulations in Chapter 9.10 ACC.
  - i. Communal property owners and managers shall provide a certificate of inspection, pursuant to ACC 5.22.057, to the city prior to the issuance or renewal of an annual business license. The purpose of this inspection is to ensure that any unauthorized structural alterations have not occurred, that there are no life safety concerns, and that occupancy limits have not been exceeded. Failure to provide the annual certificate of inspection shall be cause for the revocation or denial of communal rental housing business license.
4. If the owner/landlord is in violation of the requirements for a communal residence, then the code enforcement actions outlined in Chapter 1.25 ACC will be taken. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 6477 § 2, 2013; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.040.)

**5.22.055 Additional rental housing business license criteria for multifamily dwelling units.**

In addition to the business license criteria set forth in ACC [5.22.050](#), rental housing businesses consisting of multifamily dwelling units shall comply with the following license requirements:

- A. Property owners, property managers, landlords, and their agents who offer for rent or lease "multifamily dwelling units" as defined in this section may not refuse to rent or lease such a dwelling unit to any residential tenant or prospective residential tenant or otherwise discriminate

or retaliate against any residential tenant or prospective residential tenant solely on the basis that the person proposes to pay a portion of the rent from a “source of income” as defined in this section.

B. If property owners, property managers, landlords, and/or their agents elect to use a rent to income ratio in the rent calculation process any form of income, such as a rent voucher or subsidy, shall be deducted from the total monthly rent calculation for meeting income criteria in the rental screening process.

C. For the purposes hereof, the following definitions shall apply:

1. “Multifamily dwelling units” means housing where two or more separate housing units for residential inhabitants are contained within one building or several buildings within one complex.
2. “Source of income” includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, and local subsidy programs, including housing assistance, public assistance, and general assistance programs.

D. The provisions of this section shall not apply if the dwelling unit does not qualify for participation in the tenant’s “source of income” program. However, any property owner, manager or agent that refuses to rent a dwelling unit to a person based upon the proposed use of funds from a “source of income” must notify that person in writing of the reasons why the dwelling unit is ineligible for participation in the particular “source of income” program. Refusal to allow a health and safety inspection of the property by a public housing authority or subsidy program inspector shall not be considered a legitimate basis for refusing to rent due to program ineligibility.

E. The provisions of this section shall not apply where one portion of a duplex unit is owner occupied. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 6652 § 1, 2017. Formerly 5.22.045.)

#### **5.22.057 Inspections.**

A. When required under this chapter, the rental housing owner or manager shall provide a certificate of inspection that documents compliance with the standards of ACC Title 15.

B. Inspections will be conducted in accordance with RCW 59.18.125.

C. The certificate of inspection should include, but is not limited to, the following items:

1. Structural members that are insufficient in size or strength to carry imposed loads with safety;
2. Exposure of the occupants to the weather;
3. Plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury;
4. Lack of water, including hot water;
5. Heating or ventilation systems that are not functional or are hazardous;

6. Defective, hazardous, or missing electrical wiring or electrical service;
7. Defective or inadequate exits that increase the risk of injury to occupants;
8. Violations that increase the risks of fire; or
9. Violations of other applicable codes, rules or regulations.

D. *Inspectors.* The owner or manager shall submit a certificate of inspection based upon the physical inspection of the dwelling units conducted not more than 90 days prior to the date of the certificate of inspection by a qualified inspector as defined in RCW 59.18.030(25). (Ord. 6755 § 3 (Exh. C), 2019.)

**5.22.060 License application – Required – Form.**

A. Every person required to have a license under the provisions of this chapter shall submit an application for such license to the department. The application shall be a written statement upon a form provided by the director.

B. Whenever a license cannot be issued at the time the application for the same is made, the department shall issue a receipt to the applicant for the money paid in advance subject to the following conditions: such receipt shall not be construed as the approval by the department for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5897 § 12, 2005; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.050.)

**5.22.070 License application – Approval or disapproval procedure.**

The issuance of a city of Auburn business license shall be subject to the applicant and/or license holder being compliant with all the corrective actions imposed pursuant to ACC 5.22.050. The issuance and possession of such license shall not imply an automatic issuance or license renewal in subsequent years. The department shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

- A. Adopt all forms and prescribe the information required to implement this chapter;
- B. Submit all applications to department heads or designee of the city of Auburn building, fire, planning and police departments;
- C. Notify any applicant of the acceptance or rejection of his/her application and shall, upon denial of any license, state in writing the reasons therefor, the process for appeal and deliver them to the applicant;
- D. Deny any application for license upon written findings that the granting would violate this chapter. A violation of this chapter shall be considered to be detrimental to the public peace, health or welfare:
  1. Whenever any such license is denied the applicant may within 15 calendar days from date of action file written notice of appeal to the city's hearing examiner. Action of the hearing examiner may be appealed 15 calendar days from date of action to the city council and action of the council shall be conclusive and not subject to review.

2. When the issuance is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued pursuant to a judgment ordering the same. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5897 § 13, 2005; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.060.)

**5.22.080 License – Display – Nontransferability – Responsibility.**

A. Upon receipt of the license, the license shall be retained on the premises of the rental housing business owner's principal office or place of business where it may be inspected at any time, or shall be carried, as appropriate.

B. No license issued under the provisions of this chapter shall be transferable or assignable.

C. The agents or other representatives of nonresidents who are doing business in this city shall be personally responsible for the compliance of their principals and the businesses they represent with this chapter. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.070.)

**5.22.090 License – Revocation.**

A. Any license issued under the provisions of this chapter may be revoked by the mayor or designee for any reason if the further operation thereof would be in violation of this chapter and therefore detrimental to public peace, health or welfare. Any license issued under the provisions of this chapter may also be revoked in the following circumstances:

1. The license was obtained through fraud or misrepresentation of fact;
2. The owner or manager has been convicted of a crime, or suffered civil judgment or is the subject of a consent decree which bears a direct relationship to the rental housing business;
3. The owner or manager takes action or contributes to action in violation of the city's zoning codes or development regulations, or commits or permits a public nuisance on the premises licensed pursuant to this chapter;
4. When the owner/manager's inaction or failure to correct an identified threat to public health and safety reasonably puts other tenants or neighboring property owners/occupants at risk;
5. Failure of the owner and/or manager to comply with any or all federal, state and local laws and regulations that bear a direct relationship to the conduct of the business licensed pursuant to this chapter.

B. Except in the case of emergency due to significant physical danger to one or more tenants, a notice of intent to revoke the business license shall be mailed to the owner and posted on the premises at least 30 days in advance of the effective date for revocation. In the case of emergency described above the notice of intent to revoke shall be provided to the owner and posted on the premises as early as possible. The premises shall be completely vacated upon the date the revocation becomes effective unless the city determines that there is no imminent physical danger to the tenants. If the city determines that there is no imminent physical danger they may make arrangements with the tenants to continue to reside on the premises for a reasonable

amount of time in order to allow time for orderly relocation. Whenever any such license is revoked or notice of impending revocation is sent out, the licensee may within 15 calendar days from date of action file written notice of appeal to the city's hearing examiner. Action of the hearing examiner may be appealed within 15 days from date of action to the city council and action of the council shall be conclusive and not subject to review. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.080.)

**5.22.100 Employment of law enforcement officers.**

In the event the owner, operator or manager of the rental housing business secures the services of one or more law enforcement officer(s) to properly enforce the applicable laws, rules and regulations and to maintain order in the rental housing business, pursuant to ACC 5.22.040(A)(6), all expense for such service shall be borne by the rental housing business owner, manager or operator. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002. Formerly 5.22.090.)

**5.22.110 Reimbursement for transitional costs.**

In the event that a rental housing business is closed by the city or any agency acting on behalf of or in coordination with the city stemming from enforcement of the provisions of this chapter or any applicable criminal code or any health, building, fire, housing or life-safety code, or other serious violations, it shall be a prerequisite condition for the license to be reinstated and/or the rental housing units to be allowed to be available for rental that the operator of the rental housing business reimburse the city for any transitional costs and/or tenant relocation costs incurred by the city that are directly attributable to such closure. For the purposes hereof, "transitional costs and/or tenant relocation costs" include but are not limited to tenant travel costs and temporary hotel vouchers or other expenses incurred to procure alternate housing following tenant displacement for a reasonable time to alleviate the impacts of displacement. The amounts of such costs shall be as determined in the discretion of the mayor in consultation with the director and with representatives of agencies engaged in providing social services within the city. It is provided, however, that nothing in this chapter shall preclude the city from seeking and obtaining funds from grants or other sources to cover or help defray the transitional costs, and receipt of such grants or other funds shall not relieve the operators of the rental housing businesses from the reimbursement requirements hereof. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

**5.22.120 Violation – Penalty.**

Failure of a rental housing business owner, manager or operator to operate a rental housing business without obtaining or maintaining in good standing a city of Auburn business license, as required by this chapter, is punishable in accordance with ACC 5.15.110. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 6567 § 4, 2016; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

**5.22.130 Nonexclusive enforcement.**

The city's action to enforce one provision of this chapter or to pursue one avenue of enforcement shall not preclude the city from enforcing any other provision of this chapter and/or from pursuing any other avenue of enforcement, and the mayor or designated city official is entitled

to use any methods or processes available under the law to enforce the requirements hereof. (Ord. 6755 § 3 (Exh. C), 2019; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

**The Auburn City Code is current through Ordinance 6849, passed February 22, 2022.**

Disclaimer: The city clerk's office has the official version of the Auburn City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.



## **Appendix 6. City of Burien – Rental Housing Inspection Program (RHIP) (BMC 5.62)**

### **Chapter 5.62**

#### **RENTAL HOUSING INSPECTION PROGRAM (RHIP)**

##### Sections:

- 5.62.010 Purpose.
- 5.62.020 Applicability – Conflicts.
- 5.62.030 Definitions.
- 5.62.040 Scope.
- 5.62.050 Business license period – Application and relicensing – Fee.
- 5.62.060 Denial or revocation of license – Appeal.
- 5.62.070 Certificates of inspection.
- 5.62.080 Notice that rental is unlawful when certificate not provided.
- 5.62.090 Other inspections.
- 5.62.100 Director is authorized to make rules.
- 5.62.110 Correction notice prior to enforcement.
- 5.62.120 Immediate health and safety threats.
- 5.62.130 Immunity, no warranty by city, and no private right of action.
- 5.62.140 Notice – Additional penalties.
- 5.62.150 Consistency with Chapter 59.18 RCW.

##### **5.62.010 Purpose.**

The city of Burien finds that the establishment of a rental housing safety inspection program (“RHIP”) will protect the public health, safety, and welfare of tenants by encouraging the proper maintenance of rental housing by identifying and requiring correction of substandard housing conditions. By establishing this program, the city intends to prevent conditions of deterioration and blight that would adversely impact the quality of life in Burien. [Ord. 715 § 2 (Exh. A), 2019]

##### **5.62.020 Applicability – Conflicts.**

The provisions of this chapter shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision shall apply. [Ord. 715 § 2 (Exh. A), 2019]

##### **5.62.030 Definitions.**

For the purpose of this chapter, the following words or phrases have the meanings prescribed below:

- (1) “Accessory dwelling unit or ADU” means a second, subordinate housing unit that is accessory to a single-family residence and which meets the definition and requirements of BMC 19.10.012.
- (2) “Building” means a structure having a roof supported by columns or walls used for supporting or sheltering a use of any kind.
- (3) “Building code” means all code provisions adopted in and throughout Chapter 15.40 BMC.

- (4) “Business license” means a business license as required by Chapter 5.05 BMC.
- (5) “Certificate of inspection” means the document signed and dated by a qualified rental housing inspector and submitted to the city as the result of an inspection conducted by a qualified rental housing inspector that certifies that the residential housing units that were inspected comply with the requirements and standards of this chapter.
- (6) “Declaration of compliance” means a statement submitted to the city by the owner or the landlord that certifies that, to the best of his or her knowledge, after an on-site review of the conditions of the rental unit, each residential housing unit complies with the requirements and standards of this chapter.
- (7) “Department” means the city of Burien department of community development.
- (8) “Director” means the city of Burien department of community development director or his or her designee.
- (9) “Fire code” means all code provisions adopted in and throughout Chapter 15.20 BMC.
- (10) “Landlord” means the owner, lessor, or sublessor of the rental unit or the rental property of which it is a part and, in addition, means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.
- (11) “Mobile home” means a mobile home or a manufactured home as defined in Chapter 59.20 RCW.
- (12) “Owner” means one or more persons, jointly or severally, in whom is vested:
  - (a) All or any part of the legal title to property; or
  - (b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.
- (13) “Qualified rental housing inspector” and “RHI” mean a private inspector who possesses at least one of the following credentials and who has been approved by the director as an RHI based on a process developed by the director consistent with the intent of this chapter:
  - (a) American Association of Code Enforcement Property Maintenance and Housing Inspector certification;
  - (b) International Code Council Property Maintenance and Housing Inspector certification;
  - (c) International Code Council Residential Building Code Inspector;
  - (d) Washington State-licensed home inspector; or
  - (e) Other acceptable credential the director establishes by rule.
- (14) “Rental property” means all residential dwelling units rented or leased on a single parcel of land managed by the same landlord.

(15) “Rental property complex” means all residential dwelling units rented or leased on a contiguous parcel or parcels of land managed by the same landlord as a single rental complex.

(16) “Rental unit” means a residential housing unit occupied or rented by a tenant or available for rent by a tenant.

(17) “Residential housing unit” means any building or part of a building in the city of Burien that is used or may be used as a home, residence, or sleeping place by one or more persons, including but not limited to single-family residences, accessory dwelling units, duplexes, triplexes, fourplexes, townhouses, multifamily dwellings, apartment buildings, condominiums, and similar living accommodations.

(18) “Shelter” means a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit agency or governmental entity, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

(19) “Single-family residence” means a single detached building containing only one residential housing unit that is completely separated by open space on all sides from any other structure, except its own garage or shed.

(20) “Tenant” means a person entitled to occupy a residential housing unit pursuant to a rental agreement or who pays rent for occupancy or possession.

(21) “Transitional housing” means residential housing units owned, operated, or managed by a nonprofit agency or governmental entity in which supportive services are provided to individuals or families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months.

(22) “Unit unavailable for rent” means a residential housing unit that is not offered or available for rent as a rental unit, and that prior to offering or making the unit available as a rental unit, the owner is required to obtain a residential rental registration for the rental property in which the unit is located and comply with applicable regulations adopted pursuant to this chapter. [Ord. 715 § 2 (Exh. A), 2019]

#### **5.62.040 Scope.**

(1) Exempt Residential Housing Units. This chapter does not apply to the following residential housing units:

- (a) Owner-occupied single-family residences;
- (b) Units unavailable for rent;
- (c) Housing accommodations in a hotel, motel, short-term rentals such as Airbnbs, etc., or other similar transient lodging;
- (d) Housing accommodations at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, religious, educational,

recreational, or similar services, including but not limited to correctional facilities, licensed nursing homes, monasteries and convents, and hospitals;

(e) Owner-occupied mobile homes or manufactured homes, both as defined in Chapter 59.20 RCW;

(f) Shelters and transitional housing;

(g) Rental units that a government unit, agency, or authority owns, operates, or manages, or that are specifically exempted from such a registration requirement by state or federal law or administrative regulation. This exemption does not apply once the governmental ownership, operation, or management is discontinued; and

(h) Accessory dwelling units.

(2) Business License Required. As a condition of operation, each and every owner or landlord renting or leasing a residential housing unit within the city limits shall, in accordance with Chapter 5.05 BMC, obtain and maintain a business license. The issuance of such a license shall be considered a privilege and not an absolute right of the landlord, and the possession of such license shall not entitle the landlord to a new business license for subsequent years.

(a) Exemptions. Landlords are exempt from the requirement to obtain a business license for the following rental units:

(i) Single-family residences;

(ii) Mobile homes or manufactured homes, both as defined in Chapter 59.20 RCW;

(iii) Condominiums and townhomes; and

(iv) All residential housing units exempt from the residential rental housing registration requirements under subsection (1) of this section.

(b) Penalty for Not Obtaining Business License. In addition to the penalties set forth in Chapter 5.05 BMC, there shall be assessed a penalty of \$100.00 per day for each day that a residential housing unit operates without a valid and current business license for the first 10 days of noncompliance with this chapter, and up to \$400.00 per day for each day in excess of 10 days of noncompliance with this chapter.

(c) Display of Program Information. Information regarding the rental housing and safety inspection program shall be posted on the inside of each residential housing unit or in a common area; provided, that the director may by rule establish one or more alternative or additional methods for conveying the information to tenants.

(d) Declaration of Compliance. As a condition to the issuance and/or renewal of a business license, an applicant shall provide a valid declaration of compliance addressing each rental unit in the rental property prior to the issuance of a license. A declaration of compliance submitted under this chapter must state that each unit complies with the requirements of this chapter and that there are no conditions presented in the units that endanger or impair the health or safety of a tenant. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.050 Business license period – Application and relicensing – Fee.**

(1) The business license period shall be consistent with the period established under BMC 5.05.160. Any application for a license required by this chapter shall be accompanied by a fee as established in Chapter 5.05 BMC and any resolution established consistent with that chapter. The initial certificate of inspection should be sent to the rental housing inspection program coordinator before or contemporaneous with the application for a business license. Business license applications for residential rental housing shall comply with the requirements of BMC 5.05.100.

(2) Beginning January 1, 2021, and each year thereafter, the fees imposed in subsection (1) of this section shall be adjusted based on the June to June Seattle-Tacoma-Bellevue Consumer Price Index – All Urban Consumers, CPI-U. The adjustment shall be calculated to the nearest cent. Notification of CPI-U based adjustments will be sent out to affected businesses by November 1, 2020, for the 2021 adjustment, and in subsequent years, by November 1st of the year preceding the adjustment. [Ord. 774 § 1, 2021; Ord. 745 § 1, 2020; Ord. 715 § 2 (Exh. A), 2019]

**5.62.060 Denial or revocation of license – Appeal.**

(1) Denial or Revocation of License. A business license issued to a residential rental housing unit or units may be denied or revoked for the following reasons:

- (a) Failure to obtain a certificate of inspection as required by this chapter;
- (b) The certificate of inspection or business license was procured by fraud or false representation of fact;
- (c) The applicant or registration holder has failed to comply with any of the provisions of this chapter;
- (d) The applicant or registration holder is in default in any fee due to the city under this chapter;
- (e) Any reason set forth in BMC 5.05.130 and 5.05.140;
- (f) The property is subject to a notice of violation for a code violation which has been deemed committed or found to have been committed pursuant to Chapter 1.15 BMC or violation of the Revised Code of Washington.

(2) Process – Appeal. The denial or revocation of a business license for a residential rental housing unit or units shall comply with the business license revocation procedures set forth in BMC 5.05.140. The denial or revocation of a business license required by this chapter may be appealed in conformance with the requirements of BMC 5.05.150.

(3) If a business license issued for a residential rental housing unit(s) is revoked, or an application for a license is denied, the landlord will be granted a business license only after:

- (a) Any and all deficiencies on which the revocation or denial was based have been corrected;
- (b) In the event an inspection has been required, the applicant has provided to the city a valid certificate of inspection that meets the requirements of this chapter; and

(c) The applicant pays a license fee as determined by ordinance.

(4) Tenant relocation assistance shall be provided as required by RCW 59.18.085, and pursuant to the process set forth therein. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.070 Certificates of inspection.**

(1) All residential rental properties subject to the requirements of this chapter must be inspected once every three years by a qualified rental housing inspector and will require a certificate of inspection within a time period established by the director. The property selection process shall be based on a methodology determined by the director that will further the purpose of this chapter.

(2) The director is authorized to create and publish a checklist to be used for declarations of compliance and inspections submitted or conducted under this chapter, and is authorized to include additional standards including, but not limited to, those within the building code, fire code, or RCW 59.18.060.

(3) All certificates of inspection submitted under this chapter must state that all units subject to inspection have been inspected, and that all units inspected comply with the requirements of the checklist.

(4) A certificate of inspection shall be based upon a physical inspection by the qualified rental housing inspector of the residential housing units conducted not more than 90 days prior to the date of the certificate of inspection.

(5) The certificate of inspection shall list and show compliance with the minimum standards for each residential housing unit that was inspected using the checklist provided by the city and shall contain such other information as determined by the director to carry out the intent of this chapter.

(6) Limitations and Conditions on Inspection of Units for Certificate of Inspection.

(a) The unit selection process shall be based on a methodology determined by the director that will further the purpose of this chapter.

(b) The city may only require a certificate of inspection on a rental property no more frequently than once every three years in accordance with RCW 59.18.125.

(c) A rental property that has received a certificate of occupancy within the last four years and has had no code violations reported on the property during that period is exempt from inspection.

(d) For properties that require an inspection, the owner or landlord must send written notice of the inspection to all units at the rental property. The notice must advise tenants that some of the units at the property will be inspected and that the tenants whose units need repairs or maintenance should send written notification to the landlord as provided in RCW 59.18.070. The notice must also advise tenants that if the landlord fails to adequately respond to the request for repairs or maintenance, the tenants may contact city of Burien

officials. A copy of the notice must be provided to the inspector upon request on the day of inspection.

(e) If a rental property has 20 or fewer rental units, no more than four rental units at the rental property may be selected by the city to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

(f) If a rental property has 21 or more rental units, no more than 20 percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of 50 units at any one property, may be selected by the city to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

(g) If an owner or landlord is asked to provide a certificate of inspection for a sample of units on the rental property and a selected unit fails the initial inspection, the city may require up to 100 percent of the units on the rental property to provide a certificate of inspection.

(h) If a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection, the city may require 100 percent of the units on the rental property to provide a certificate of inspection.

(i) An inspector conducting an inspection under this chapter may only investigate a rental property as needed to provide a certificate of inspection.

**(7) Notice to Tenants.**

(a) The landlord shall provide written notification of his or her intent to allow an inspector to enter an individual unit for the purposes of providing the city with a declaration of compliance or certificate of inspection in accordance with RCW 59.18.150(6). The written notice must indicate the date and approximate time of the inspection and the company or person performing the inspection, and that the tenant has the right to see the inspector's identification before the inspector enters the individual unit. A copy of this notice must be provided to the inspector upon request on or before the day of inspection.

(b) A tenant who continues to deny access to his or her unit is subject to the penalties in RCW 59.18.150(8). [Ord. 715 § 2 (Exh. A), 2019]

**5.62.080 Notice that rental is unlawful when certificate not provided.**

When a certificate of inspection or a declaration of compliance is required for a specified residential housing unit under this chapter and a valid certificate of inspection or declaration of compliance has not been provided to the city, the director is authorized to notify the owner or landlord that until a valid certificate of inspection or declaration of compliance is provided to the city, it is unlawful to rent or to allow a tenant to continue to occupy the residential housing unit. It shall be unlawful to rent or allow a tenant to occupy or continue to occupy such unit. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.090 Other inspections.**

Nothing in this chapter precludes additional inspections conducted under RCW 59.18.150, Chapter 1.15 BMC, or at the request or consent of a tenant, pursuant to a warrant, or pursuant to the tenant remedy provided by RCW 59.18.115 of the Residential Landlord-Tenant Act. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.100 Director is authorized to make rules.**

The director is authorized to adopt, publish, and enforce rules and regulations, consistent with this chapter and the standards in this chapter, for the purpose of carrying out the provisions of this chapter, and it is unlawful to violate or fail to comply with any such rule or regulation. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.110 Correction notice prior to enforcement.**

Before the city suspends or revokes a registration or imposes the penalties set forth in this chapter, an attempt shall be made to give the owner or landlord a written notice by personal service or by certified mail, return receipt requested, stating the existence of a violation, that enforcement action is contemplated, and that such person shall have a specified period of time in which to correct the violation. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.120 Immediate health and safety threats.**

Nothing in this chapter shall limit the city's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.130 Immunity, no warranty by city, and no private right of action.**

The purpose of this chapter is to promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms. Nothing contained in this chapter is intended nor shall be construed to create any liability on the part of the city or its employees for any injury or damage resulting from the failure of an owner, landlord, inspector, or other individual to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the city or its employees. By enacting and undertaking to enforce this chapter, neither the city, its agents or employees, nor the city council warrants or guarantees the safety, fitness, nor suitability of any dwelling in the city or any unit inspected under this program. Owners, landlords, and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety, and welfare. Nothing contained in this chapter is intended to create a private right of action. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.140 Notice – Additional penalties.**

(1) Prior to imposing any penalties set forth in this chapter, the city shall provide notice and an opportunity to correct pursuant to BMC 1.15.100.

(2) Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, is guilty of a gross misdemeanor and must be punished by a fine of not more than \$5,000 as provided in RCW 59.18.125.



(3) The penalties imposed in this chapter are not exclusive when the acts or omissions constitute a violation of another chapter of the Burien Municipal Code. In addition to all other penalties, remedies, or other enforcement measures established within this chapter, or as otherwise provided by law, the acts or omissions that constitute violations of this chapter may be subject to penalties and enforcement provisions as provided by other chapters of the Burien Municipal Code, and such penalties and enforcement provisions may be imposed as set forth therein. All remedies under this chapter are cumulative unless otherwise expressly stated. The exercise of one remedy shall not foreclose use of another. Remedies may be used singly or in combination; in addition, the city of Burien may exercise any rights it has at law or equity. [Ord. 715 § 2 (Exh. A), 2019]

**5.62.150 Consistency with Chapter 59.18 RCW.**

The provisions of this chapter shall be interpreted in a manner that is consistent with the provisions of Chapter 59.18 RCW. [Ord. 715 § 2 (Exh. A), 2019]

## **Appendix 7. City of Tacoma – Provisional Rental Property License (TMC 6B.165)**

### **CHAPTER 6B.165**

#### **PROVISIONAL RENTAL PROPERTY LICENSE**

##### Sections:

- 6B.165.010 Purpose.
- 6B.165.020 *Repealed*.
- 6B.165.030 Definitions.
- 6B.165.040 *Repealed*.
- 6B.165.050 Provisional rental property license required – Appeal.
- 6B.165.060 Exemptions.
- 6B.165.070 Provisional rental property license fees.
- 6B.165.080 Provisional rental property license conditions.
- 6B.165.085 Provisional rental property license no fee and shortened term.
- 6B.165.090 Inspection – Tenant notification.
- 6B.165.100 Inspection appeal.
- 6B.165.110 *Repealed*.
- 6B.165.120 Sale of property – Owner notification.
- 6B.165.130 *Repealed*.
- 6B.165.140 Violations – Certificate of Complaints.

##### **6B.165.010 Purpose.**

The Tacoma City Council finds that rental housing is a valuable community asset, providing homes for all income levels. The City recognizes that quality rental housing is a partnership between owners, tenants, and the City. The City finds that 3 to 5 percent of homes in Tacoma are below the minimum building standards and appear to violate RCW 59.18.060. As a result, to ensure the public health, safety, and welfare of its citizens and the maintenance of quality rental housing for Tacoma citizens, the City Council is establishing a residential provisional rental property license program to prevent and correct conditions in residential rental units that adversely affect or are likely to adversely affect the health, safety, and welfare of the public. It is the purpose of this section to assure that rental housing within the City is actively operated and maintained in compliance with RCW 59.18.060. Providing for a provisional rental property license is intended to address that small percentage of housing that is deemed unsafe for renters and bring that housing into compliance with state law.

(Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 27967 Ex. A; passed Feb. 1, 2011)

##### **6B.165.020 Effective date of ordinance. Repealed by Ord. 28537.**

(Repealed by Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 27967 Ex. A; passed Feb. 1, 2011)

##### **6B.165.030 Definitions.**

“Certificate of Inspection” means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector that states

that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety; (b) exposure of the occupants to the weather; (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury; (d) not providing facilities adequate to supply heat and water and hot water, as reasonably required by the tenant; (e) providing heating or ventilation systems that are not functional or are hazardous; (f) defective, hazardous, or missing electrical wiring or electrical service; (g) defective or hazardous exits that increase the risk of injury to occupants; and (h) conditions that increase the risk of fire.

“Dwelling unit” means any structure or part of a structure which is used as a home, residence, or sleeping place by one or more persons maintaining a common household, including but not limited to single-family residences, a room, rooming units, units of multiplexes, condominiums, apartment buildings, and mobile homes.

“Landlord” means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part and in addition means any person designated as representative of the landlord.

“Notice of Violation” means a determination by a city official containing the violations outlined in TMC 6B.165.050, provisional rental property license requirement.

“Owner” means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership and a right to present use and enjoyment of the property.

“Person” means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

“Public Corporation” means a corporation created pursuant to RCW 35.21.730.

“Property” or “rental property” means all dwelling units on a contiguous quantity of land managed by the same landlord as a single rental complex.

“Qualified inspector” means a United States Department of Housing and Urban Development-certified inspector; a Washington State-licensed home inspector; an American Society of Home Inspectors-certified inspector; a private inspector certified by the National Association of Housing and Redevelopment Officials, the American Association of Code Enforcement, or other comparable professional association as approved by the Public Works Director; a City code enforcement officer; a Washington-licensed structural engineer; or a Washington-licensed architect. An “owner” as defined in this section is not eligible to act as a qualified inspector.

“Tenant” is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes with a rental agreement.

(Ord. 28537 Ex. A; passed Nov. 6, 2018; Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.040 Annual business license and Certification required. Repealed by Ord. 28537.**

(Repealed by Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.050 Provisional rental property license required – Appeal.**

A. To ensure compliance with the state Landlord Tenant law, RCW 59.18.060, related to conditions of rental housing, , a provisional rental property license will be required for a rental property when a condition exists that endangers or impairs the health or safety of a tenant and when:

1. Under TMC Chapter 2.01.050 Minimum Buildings and Structures Code violations exceed 24 points, or
2. Under TMC Chapter 2.01.050 Minimum Buildings and Structures Code, it is determined to be a Derelict Building or Structure, or
3. Violations of the International Fire Code, TMC Chapter 3.02, exist.

B. Notice of a violation stating that a provisional rental license is required shall be given and mailed pursuant to TMC 6B.10.120, Mailing of Notices.

C. Appeal.

1. A person who receives notice that a provisional rental property license is required due to violations of TMC Chapter 2.01, the Minimum Buildings and Structures Code, may request an administrative review by the Building Official as provided in Chapter 2.01.050.D.5.b.

2. A person who receives notice that a provisional rental property license is required due to violations of TMC Chapter 3.02 only may appeal such a determination as provided in General License Provisions 6B.10.140, Denial or revocation – Appeal.

(Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 28125 Ex. A; passed Jan. 15, 2013: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.060 Exemptions.**

Buildings, building areas, or living arrangements described in one or more of the following paragraphs are exempted from the requirement to obtain a provisional rental property license.

A. Living arrangements under RCW 59.18.040, which are exempt from the requirements of RCW 59.18, Landlord Tenant.

B. A dwelling unit meeting all of the following conditions:

1. The dwelling unit constitutes the owner's principal residence;
2. The dwelling unit is temporarily rented by the owner for a period of time no greater than twelve consecutive months in any twenty-four-month period;
3. The dwelling unit was occupied by the owner immediately prior to its rental;
4. The owner of the dwelling unit is temporarily living outside of the City; and

5. The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period.

C. Common areas and elements of buildings containing attached, but individually owned, dwelling units.

D. A rental property that has received a certificate of occupancy within the last four years and has had no code violations under Chapter 2.01 or Chapter 3.02 reported on the property during that period.

E. A rental property inspected by a government agency or other qualified inspector within the previous twenty-four months may provide proof of that inspection which the city may accept in lieu of a certificate of inspection. If any additional inspections of the rental property are conducted, a copy of the findings of these inspections may also be required.

(Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.070 Provisional rental property license fees.**

The fees are hereby fixed as follows:

Description	Fee
Provisional rental property license – 1st notice of violation under Section 6B.165.080	\$500
Provisional rental property license – 2nd notice of violation under Section 6B.165.080 for the same owner	\$1,000
Provisional rental property license – 3rd and subsequent notice of violation under Section 6B.165.080 for the same owner	\$2,000
Public corporation provisional rental property license	\$0

The City shall charge no license fee for units owned by or leased and operated by a Public Corporation, so long as such units have also been individually certified to the City as low-income rental property by the Public Corporation, and such certification is valid at the time the fee would otherwise be due.

(Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 28125 Ex. A; passed Jan. 15, 2013: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.080 Provisional rental property license conditions.**

Any person required to have a provisional rental property license shall be subject to the following conditions:

A. Certificate of Inspection.

The owner shall submit a certificate of inspection based on the criteria outlined in Section 6B.165.090:

1. Within three months of notice of violation of this chapter; or

2. The owner receives approval of a work plan from the City's Neighborhood and Community Services Department that will bring the property into compliance with RCW 59.18.060 within six months of the date of notice of violation.

**B. Provisional Rental Housing Safety Training.**

The owner, or their designated local agent responsible for managing the property, shall complete the City's Crime Free Housing Landlord Tenant Training or Provisional Rental Housing Safety Training within three months of notice of violation of this chapter.

**C. License fee and term.**

1. The license fee shall be paid as described in Section 6B.165.070.

2. The license term is three years from the date of issuance and will be issued after the fee is paid and the conditions in Subsections 6B.165.080.A and 6B.165.080.B have been met.

**D. Final Certificate of Inspection.**

Within 30 days prior to the expiration date of the license, a new certificate of inspection dated within the previous 60 days shall be submitted to the City as outlined in Section 6B.165.090.

(Ord. 28537 Ex. A; passed Nov. 6, 2018; Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.085 Provisional rental property license no fee and shortened term.**

Any person meeting the conditions outlined in Subsections 6B.165.080.A and B and no prior Provisional Rental License notifications as provided herein have been sent to the owner for any rental properties located inside the City limits will be exempt from the license fee and license term in Subsection 6B.165.080.C and requirements of 6B.165.080.D.

(Ord. 28537 Ex. A; passed Nov. 6, 2018; Ord. 28125 Ex. A; passed Jan. 15, 2013)

**6B.165.090 Inspection – Tenant notification.**

A. Inspection. As a condition of a provisional rental property license, the owner shall submit to the City a certificate of inspection, on forms provided by the city, that the owner's rental property complies with State Title 59 Landlord and Tenant section 59.18.060 and does not present conditions that endanger or impair the health or safety of a tenant.

1. A rental property owner may choose to inspect one hundred percent of the units on the rental property and provide only the certificate of inspection for all units to the city.

2. If a rental property has twenty or fewer dwelling units, no more than four dwelling units at the rental property may be selected by the city to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

3. If a rental property has twenty-one or more units, no more than twenty percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of fifty units at any one property, may be selected by the city to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

**B. Inspection results.**

1. If a rental property owner is asked to provide a certificate of inspection for a sample of units on the property and a selected unit fails the initial inspection, the city may require up to one hundred percent of the units on the rental property to provide a certificate of inspection.
2. If a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection, the city may require one hundred percent of the units on the rental property to provide a certificate of inspection.
3. If a rental property owner chooses to hire a qualified inspector other than a city code enforcement officer, and a selected unit of the rental property fails the initial inspection, both the results of the initial inspection and any certificate of inspection must be provided to the city.

**C. Tenant notification.**

1. If a rental property owner chooses to inspect only a sampling of the units, the owner must send written notice of the inspection to all units at the property. The notice must advise tenants that some of the units at the property will be inspected and that the tenants whose units need repairs or maintenance should send written notification to the landlord as provided in RCW 59.18.070. The notice must also advise tenants that if the landlord fails to adequately respond to the request for repairs or maintenance, the tenants may contact city officials. A copy of the notice must be provided to the inspector upon request on the day of inspection.
2. The landlord shall provide written notification of the landlord's intent to enter an individual unit for the purposes of providing the city a certificate of inspection in accordance with RCW 59.18.150(6). The written notice must indicate the date and approximate time of the inspection and the company or person performing the inspection, and that the tenant has the right to see the inspector's identification before the inspector enters the individual unit. A copy of this notice must be provided to the inspector upon request on the day of inspection.
3. A tenant who continues to deny access to the tenant's unit is subject to RCW 59.18.150(8).

D. Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, is, in addition to the penalties provided for in TMC 6B.10.260, guilty of a gross misdemeanor and may be punished by a fine of not more than \$5,000. Any inspector convicted of, admitting to or submitting a falsified certificate of inspection, will no longer be a qualified inspector as defined under TMC 6B.165.030

(Ord. 28593 Ex. A; passed Jul. 2, 2019; Ord. 28537 Ex. A; passed Nov. 6, 2018; Ord. 28125 Ex. A; passed Jan. 15, 2013; Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.100 Inspection appeal.**

A. If a rental property owner does not agree with the findings of an inspection performed by a qualified inspector, as defined under this section, other than a city code enforcement officer, the property owner may request a Minimum Housing Code Inspection by a city code enforcement officer and pay the applicable fee.

B. If a rental property owner does not agree with the findings of an inspection performed by a city code enforcement officer under this section, the property owner may request an administrative review as provided in TMC 2.01.050.D.5.b.

(Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 28208 Ex. A; passed Mar. 18, 2014: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.110 Compliance with provisions. Repealed by Ord. Ord. 28537.**

(Repealed by Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 28125 Ex. A; passed Jan. 15, 2013: Ord. 28108 Ex. F; passed Dec. 4, 2012: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.120 Sale of property – Owner notification.**

Where a property has an existing provisional rental property license requirement and there is a change of ownership, the owner selling the property shall notify the City at the time of the sale. The new owner may be subject to the provisions of this chapter upon receiving a notice of violation and may appeal such determination as provided in 6B.10.140.

(Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 28125 Ex. A; passed Jan. 15, 2013: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.130 Revocation of Annual Business License. Repealed by Ord. 28537.**

(Repealed by Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 27967 Ex. A; passed Feb. 1, 2011)

**6B.165.140 Violations – Certificate of Complaint.**

If the city finds that a violation of any provision of this chapter exists, the City, after notice to the owner, may file a Certificate of Complaint as defined in TMC 2.01.

(Ord. 28537 Ex. A; passed Nov. 6, 2018: Ord. 28125 Ex. A; passed Jan. 15, 2013: Ord. 27967 Ex. A; passed Feb. 1, 2011)



**Appendix 8. City of Tukwila – Residential Rental Business License and Inspection Program (TMC 5.06)**

**CHAPTER 5.06**

**RESIDENTIAL RENTAL BUSINESS LICENSE AND INSPECTION PROGRAM**

**Sections:**

- 5.06.010 Purpose
- 5.06.020 Definitions
- 5.06.030 Scope
- 5.06.040 Residential Rental Business License Requirement
- 5.06.050 Inspection Required
- 5.06.060 Inspection Consent
- 5.06.070 Rental Inspection Deficiency Point System
- 5.06.080 Inspection Certificate
- 5.06.090 Deficiencies
- 5.06.100 Violations
- 5.06.110 Re-inspections
- 5.06.120 Notice of Non-Issuance of Certificate of Compliance
- 5.06.130 Contents of Certificate of Compliance
- 5.06.140 Certificate of Compliance Validity and Renewal
- 5.06.150 Notice
- 5.06.160 Authority
- 5.06.170 Administrative Regulations
- 5.06.180 Complaint-Based Inspections
- 5.06.190 Voluntary Inspection Requests
- 5.06.200 Penalties
- 5.06.210 Appeal
- 5.06.220 Annual Review and Report
- 5.06.230 Immediate Health and Safety Threats
- 5.06.240 No Warranty by City

**5.06.010 Purpose**

The City Council finds that the establishment of a Residential Rental Business License and Inspection Program for rental units is necessary to protect the public health, safety and welfare by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions, and by preventing conditions of deterioration and blight that could adversely impact the quality of life in the City of Tukwila.

(Ord. 2281 §1 (part), 2010)

#### **5.06.020 Definitions**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted using the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Accessory dwelling unit” or “ADU” means a unit that meets the requirements of Table 18-6, Note 17, of TMC Title 18.
2. “Applicable laws” include, but are not limited to, the City’s housing code, the City zoning ordinance and other City ordinances, and other laws or regulations relating to the health and safety of City residents or the general public.
3. “Certificate of Compliance” means the certificate issued by the City evidencing compliance with the requirements of this chapter. A Certificate of Compliance is required before a unit can be rented.
4. “Code official” means the Department of Community Development Director or his/her designee.
5. “City” means the City of Tukwila, Washington.
6. “Deficiency” means any failure by a rental unit to comply with applicable laws.
7. “Department” means the City of Tukwila Department of Community Development.
8. “Inspection Checklist” means the document submitted to the City as the result of an inspection conducted by an inspector which shows the true condition of the unit. An Inspection Checklist must be signed and dated by the inspector.
9. “Inspector” means:
  - a. A City building code inspector;
  - b. A City code enforcement officer;
  - c. A private inspector, approved by the City upon evidence of at least one of the following credentials: A.A.C.E. Property Maintenance and Housing Inspector certification, I.C.C. Property Maintenance and Housing Inspector certification, or I.C.C. Residential Building Code Inspector;
  - d. A Washington State licensed architect; or
  - e. A Washington State licensed home inspector.
10. “Non-City inspector” means any inspector meeting the criteria in Section 5.06.020 who is not a City code official.
11. “Occupant” means an individual, partnership, corporation or association, or agent of any of them lawfully residing in a unit.
12. “Owner” means the owner of record as shown on the last King County tax assessment roll or such owner’s authorized agent.

13. “Rental inspection deficiency point system” means the point system used by inspectors to evaluate whether a rental unit is in compliance with the requirements of this chapter.

14. “Rental unit” means a unit occupied or leased by a tenant.

15. “Single-family residence” means a building, modular home, or new manufactured home designed to contain no more than one dwelling unit, plus one accessory dwelling unit.

16. “Tenant” means any adult person granted temporary use of a rental unit pursuant to a lease or rental agreement with the owner of the rental unit.

17. “Unit” means any structure or part of a structure, which is used as a home, residence or sleeping place by one or more persons, including but not limited to, single-family residences, duplexes, tri-plexes, four-plexes, multi-family dwellings, apartment buildings, condominiums, mobile homes and similar living accommodations.

18. “Unit unavailable for rent” means a unit whose owner has filed with the code official a statement signed under penalty of perjury that such unit is not offered or available for rent as a rental unit and that prior to offering or making the unit available as a rental unit, the owner will apply for a Residential Rental Business License and comply with any applicable administrative regulations adopted pursuant to this chapter.

(Ord. 2519 §1, 2016; Ord. 2459 §1, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.030 Scope**

The provisions of this chapter shall apply to all rental units, with the exception of:

1. Owner-occupied rental units;
2. Units unavailable for rent;
3. Housing accommodations in hotels, motels, inns or tourist homes;
4. Housing accommodations in retirement or nursing homes;
5. Housing accommodations in any hospital, State-licensed community care facility, convent, monastery or other facility occupied exclusively by members of a religious order or an extended medical care facility;
6. Housing accommodations that a government unit, agency or authority owns, operates or manages, or which are specifically exempted from municipal regulation by State or federal law or administrative regulation. This exception shall not apply once the governmental ownership, operation or management regulation is discontinued.

(Ord. 2281 §1 (part), 2010)

#### **5.06.040 Residential Rental Business License Requirement**

A. Every rental unit owner shall obtain an annual residential rental business license, pursuant to Title 5 of the Tukwila Municipal Code, prior to operating, leasing or causing to be leased a rental unit. Rental unit owners must file a written application annually with the Department for each

rental location to be leased. To be considered for approval, residential rental business license applications must be complete and include:

1. Completed and signed Residential Rental Business License Application provided by the City.
2. Appropriate application fee as set forth in the fee schedule adopted by resolution of the City Council. Late fees will be due for applications filed March 1st or later.
3. For multi-family buildings with 2 or more units, documentation of an ongoing integrated pest management (IPM) program. This could be provided by a property manager trained in IPM or a contract with a pest control company.

B. Failure to obtain a residential rental business license will result in the inability to rent the unit.  
(Ord. 2519 §2, 2016; Ord. 2281 §1 (part), 2010)

#### **5.06.050 Inspection Required**

A. The property owner is responsible for obtaining an inspection of each rental unit and submitting the Inspection Checklist to the code official no later than September 30 of the year the Certificate of Compliance expires.

B. When a unit changes from owner occupancy to a rental, the inspection must occur before the unit is occupied by the tenant. An inspection is not required the year a Certificate of Occupancy is issued for a newly-constructed building, and thereafter the building will be inspected according to the quadrant in which it is located.

C. Owners of complexes with 5 or more units are required to utilize a non-City inspector. Owners of rental properties with fewer than 5 units may utilize a City inspector or a non-City inspector. Non-City inspectors must meet the qualifications defined herein, be preapproved by the City, and may not have a financial interest in the property. The City shall provide the Inspection Checklist to the owner with the application form.

D. The code official shall issue a Certificate of Compliance for rental units that comply with applicable laws based on a submitted Inspection Checklist. If using a non-City inspector, the owner shall be responsible for making the inspection arrangements with the non-City inspector.

E. The code official shall audit Inspection Checklists submitted by private inspectors and based on audit results may reinspect units on that property or inspected by that inspector.

F. Submittal of an Inspection Checklist that the owner knows or should have known is false may result in revocation of the residential rental business license and penalties defined in TMC Section 5.06.200.

G. An Inspector may be removed from the City's approved list for reasons including, but not limited to:

1. Submittal of an Inspection Checklist that the inspector knows or should have known is false.
2. Conviction for any crime that occurs in connection with an inspection.
3. Failure to hold a valid Tukwila business license.

Ord. 2600 §1, 2018; Ord. 2519 §3, 2016; Ord. 2459 §2, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.060 Inspection Consent**

Owners shall make every effort to make units available for inspection pursuant to this chapter. If the owner fails to arrange for a non-City inspector and/or the owner or occupants do not consent to City entry for inspection, the code official may not force or otherwise attempt to gain entry except in accordance with a court warrant authorizing entry for the purpose of inspection.

(Ord. 2281 §1 (part), 2010)

#### **5.06.070 Rental Inspection Deficiency Point System**

A. The code official shall prepare and shall keep on file for public inspection the rental inspection deficiency point system used in the point calculation procedure set forth herein. The code official shall assign points according to the severity of each code violation on a scale of 1 to 25. Except when otherwise provided by State law, conditions in the design or structure of a building such as, but not limited to, the size and dimension of rooms and windows and the electrical and plumbing systems that were legal under existing codes when built, shall not be violations as long as they are maintained in good repair. A violation noted during the inspection shall receive the assigned point value.

B. A rental unit shall be considered unfit for occupancy if it fails an inspection by 25 points or more.

(Ord. 2281 §1 (part), 2010)

#### **5.06.080 Inspection Checklist**

As a condition of the issuance of a residential rental business license, the owner shall provide a completed Inspection Checklist signed by the inspector showing the current condition of the rental unit. The code official shall issue a Certificate of Compliance upon receipt of the inspection results indicating compliance with the applicable laws pursuant to this chapter.

(Ord. 2459 §3, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.090 Deficiencies**

Items to be inspected are weighted according to a point system established by the City. Accrual of 25 points or more for deficiencies constitutes a failure of the inspection and requires correction. The inspector shall provide the owner and the City written notice of each deficiency disclosed by inspection. A Certificate of Compliance shall not be issued until the Inspection Checklist indicates a score of less than 25 points. Repairs required to bring the unit into compliance are the responsibility of the owner. Rental units shall be subject to re-inspections pursuant to TMC Section 5.06.110.

(Ord. 2459 §4, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.100 Violations**

If an inspection of a rental unit conducted pursuant to this chapter reveals deficiencies of 25 points or more on the Inspection Checklist, the violation must be cured within 30 days. If upon re-inspection, the unit reveals deficiencies of 25 points or more, the City's code official may seek

any remedies permitted by law including, but not limited to, denial or revocation of a residential rental business license for that unit pursuant to Title 5 of the Tukwila Municipal Code, and abatement proceedings pursuant to Chapter 8.45 of the Tukwila Municipal Code. The City may seek legal or equitable relief to enjoin any act or practice that constitutes or will constitute a violation of any regulation under this chapter.

(Ord. 2459 §5, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.110 Re-inspections**

A rental unit that exhibits deficiencies of 25 points or more on the Inspection Checklist shall be subject to a re-inspection and re-inspection fee as set forth in the City's fee schedule adopted pursuant to this chapter.

(Ord. 2459 §6, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.120 Notice of Non-Issuance of Certificate of Compliance**

If, upon re-inspection, the inspector determines a rental unit is unfit for occupancy by failing an inspection by 25 points or more, the City shall provide the owner with written notice of non-issuance of Certificate of Compliance. Such notice shall specify the date of the non-issuance determination, the rental unit address, the name of the owner, the name of the inspector and the specific reasons for the non-issuance determination. Failure to obtain a Certificate of Compliance will result in the non-issuance or revocation of the rental business license for that unit. The unit shall be posted Unfit for Occupancy. Tenants, if any, shall be required to vacate. Relocation Assistance pursuant to TMC 8.46 may apply.

(Ord. 2281 §1 (part), 2010)

#### **5.06.130 Contents of Certificate of Compliance**

Certificate of Compliance shall specify the date of issuance, the rental unit address, the name of the owner to whom the certificate is issued, the expiration date of the Certificate, and an indication the rental unit complies with applicable laws as far as could be determined by inspection.

(Ord. 2459 §7, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.140 Certificate of Compliance Validity and Renewal**

Certificates of Compliance expire on December 31, four years from the date of issuance by the City. Failure to renew the Certificate of Compliance every four years shall result in the non-issuance or revocation of the rental business license for that unit. Rental properties that are registered and continue to meet all the requirements of the City's Crime-Free Rental Housing Program, or other City-administered program to certify rental properties as working proactively at crime prevention, may extend their required rental inspection schedule to once every 8 years. If participation in such program is terminated due to failure to meet program requirements or for any other reason, the rental inspection shall be due at the end of the calendar year of the year of termination or 4 years from the last inspection, whichever is later. Furthermore, if a property registered in the Crime-Free Rental Housing Program, or any other City-administered program to certify rental properties as working proactively at crime prevention, is the subject of

3 or more code violation complaints verified by the City in any 6-month period for violations affecting the habitability of a residential unit, the property will revert to a 4-year inspection cycle.

(Ord. 2519 §4, 2016; Ord. 2459 §8, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.150 Notice**

All notices issued pursuant to this chapter shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner and occupants shall be mailed by first-class mail to the owner's last known address as it appears in the records of the county assessor or other address provided by the owner.

(Ord. 2459 §9, 2014; Ord. 2281 §1 (part), 2010)

#### **5.06.160 Authority**

The code official shall be responsible for enforcement and administration of this ordinance.

(Ord. 2281 §1 (part), 2010)

#### **5.06.170 Administrative Regulations**

The code official is authorized and directed to promulgate administrative regulations pertaining to the implementation of this chapter.

(Ord. 2281 §1 (part), 2010)

#### **5.06.180 Complaint-Based Inspections**

Nothing contained herein shall prevent or restrict the authority of the City's code official to inspect any unit or premises thereof in response to a complaint alleging code violations or other violations of law at such unit and to pursue all code enforcement remedies available under this code or other laws following such a complaint-based inspection of a unit.

(Ord. 2281 §1 (part), 2010)

#### **5.06.190 Voluntary Inspection Requests**

Nothing in this chapter shall be construed to prohibit an owner from voluntarily requesting an inspection to determine whether a rental unit complies with applicable laws, even though such inspection may not be required pursuant to this chapter. Such voluntary inspection requests shall be subject to all of the provisions of this chapter including, but not limited to, the provisions governing applications and fees.

(Ord. 2281 §1 (part), 2010)

#### **5.06.200 Penalties**

A. Violations of the provisions of this chapter shall be subject to enforcement and penalties as prescribed in TMC Chapter 8.45 and the issuance of a Notice of Violation in accordance with TMC Section 8.45.070.

B. Any violation of this chapter that constitutes an immediate health or safety threat shall constitute a public nuisance.

C. In addition to penalties, the City shall not issue or shall revoke the unit's business license and require that the unit be vacated until the unit is brought into compliance.

(Ord. 2549 §3, 2017; Ord. 2281 §1 (part), 2010)

#### **5.06.210 Appeal**

A. The owner may appeal the non-issuance of a Certificate of Compliance by filing a written notice of appeal with the City Clerk within 10 calendar days following receipt of the notice of non-issuance. The notice of appeal must state the grounds for appeal, including a detailed explanation of why the decision was incorrect. The notice of appeal must be accompanied by an Appeal Fee in accordance with the fee schedule adopted by resolution of the City Council. A timely notice of appeal shall stay the effect of the notice of non-issuance until the City's Hearing Examiner or other hearing body issues a written decision on the appeal.

B. Upon timely filing of a notice of appeal, the Finance Director shall schedule a hearing on the appeal before the City's Hearing Examiner or other hearing body. The hearing shall be conducted no later than 30 business days from the date of the notice of appeal, unless an extension is agreed to by the appellant or otherwise ordered by the Hearing Examiner or other hearing body for good cause shown. Notice of the hearing will be mailed to the owner.

C. The hearing shall be de novo. The decision of the City's Hearing Examiner or other hearing body shall be based upon a preponderance of the evidence. The burden of proof shall be on the appellant. The Hearing Examiner or other hearing body may affirm, reverse or modify the Finance Director's decision.

D. Within 20 business days, excluding holidays recognized by the City of Tukwila, from the date of the hearing on an appeal under this section, the Hearing Examiner or other hearing body shall issue a written decision, which shall set forth the reasons therefor.

(Ord. 2496 §7, 2016; Ord. 2281 §1 (part), 2010)

#### **5.06.220 Annual Review and Report**

The code official shall conduct an annual review of the Residential Rental Business License and Inspection Program and shall submit an annual report of the program's effectiveness to the City Council.

(Ord. 2281 §1 (part), 2010)

#### **5.06.230 Immediate Health and Safety Threats**

Nothing in this ordinance shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

(Ord. 2281 §1 (part), 2010)

#### **5.06.240 No Warranty by City**

By enacting and undertaking to enforce this program, the City, City Council, its agents and employees do not warrant or guarantee the safety, fitness or suitability of any dwelling in the City or any unit inspected under this program. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(Ord. 2281 §1 (part), 2010)