

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending Sections 22.206.200, 22.208.020, 23.40.006, and 23.91.002 of the Seattle Municipal Code; to modify maintenance and demolition standards related to vacant buildings.

..body

WHEREAS, from 2013 to 2016 the City experienced a 58% increase in complaints about vacant buildings, including buildings that have been subject to unauthorized entry; and

WHEREAS, inspection of vacant buildings that are uninhabitable or have been subject to unauthorized entry can be dangerous to City Staff; and

WHEREAS, sometimes demolition of poorly maintained vacant buildings is required for the public health, safety, and welfare; and

WHEREAS, the City is experiencing a housing shortage; and

WHEREAS, the City must balance public health, safety, and welfare considerations with the need to preserve the City's housing stock; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.206.200 of the Seattle Municipal Code, last amended by Ordinance 124167, is amended as follows:

22.206.200 Minimum standards for vacant buildings

A. Maintenance (~~((Standards))~~) standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080.A, 22.206.080.B, 22.206.080.C, 22.206.080.G, 22.206.080.H and 22.206.080.I; 22.206.130.I; 22.206.160.A.1, 22.206.160.A.3, 22.206.160.A.4, 22.206.160.A.5, 22.206.160.A.6, and 22.206.160.A.8, except when different standards are imposed by this section.

1 1. Sanitary (~~(Facilities.)~~) facilities

2 a. Plumbing fixtures connected to an approved water system, an approved
3 sewage system, or an approved natural gas utility system shall be installed in accordance with
4 applicable codes and be maintained in sound condition and good repair.

5 b. Plumbing fixtures connected to an approved water system, an approved
6 sewage system, or an approved natural gas utility system, not installed or maintained in
7 compliance with applicable codes, shall be removed and the service terminated in the manner
8 prescribed by applicable codes.

9 c. Plumbing fixtures not connected to an approved water system, an
10 approved sewage system, or an approved natural gas utility system shall either be connected to
11 an approved system or the fixtures shall be removed and the pipes capped in accordance with
12 applicable codes.

13 2. Electrical (~~(Systems)~~) systems. Electrical service lines, wiring, outlets, or
14 fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they
15 shall be removed and the services terminated in accordance with applicable codes.

16 3. Safety (~~(From Fire.)~~) from fire

17 a. No vacant building or premises or portion thereof shall be used for the
18 storage of flammable liquids or other materials that constitute a safety or fire hazard.

19 b. Heating facilities or heating equipment in vacant buildings shall be
20 removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel
21 supply shall be removed or terminated in accordance with applicable codes.

22 4. All vacant buildings and their accessory structures shall meet the following
23 standards:

a. All windows shall have intact glazing or one of the following:

1) plywood of at least ((1/4)) 1/2-inch thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely ~~((nailed using 6D galvanized nails or))~~ glued and fastened with square- or star-headed woodscrews spaced not more than 9 inches on center;

2) impact resistant clear polycarbonate sheets;

3) commercial-quality steel security panels; or

4) other materials approved by the Director as appropriate for preventing entry by unauthorized persons.

b. Doors and service openings with thresholds located 10 feet or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door 1 3/8 inches thick equipped with a 1/2-inch throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.

c. There shall be at least one operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a 1/2-inch deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of 3/4-inch CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.

d. All debris, combustible materials including vegetation overgrowth, litter and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle

parts, shall be removed from vacant buildings, their accessory structures, and the premises including but not limited to adjoining yard areas. The building and premises shall be maintained free from such items. The premises also shall be free from parked vehicles.

e. The Director may impose additional requirements for the closure of a vacant building, including but not limited to installation of 3/4 inch plywood, brick or metal coverings over exterior openings, when the standards specified in subsections 22.206.200.A.4.a through 22.206.200.A.4.d above are inadequate to secure the building:

- 1) Due to the design of the structure; ((~~or~~))
- 2) When the structure has been subject to two or more unauthorized entries after closure pursuant to the standards specified above; or
- 3) When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subsections 22.206.200.A.4.a through 22.206.200.A.4.d above.

5. If a building component of a vacant building or a structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.

6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with 3/4-inch plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least 6 inches. If a hole in a wall presents a hazard, the hole shall be covered with 1/2-inch Type x gypsum, or a material of equivalent strength, cut to

overlap the hole on all sides by at least 6 inches. Covers for both floor and wall holes shall be securely attached.

* * *

F. Inspection of ~~((Vacant Buildings-))~~ vacant buildings

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation may be issued pursuant to Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

a. When the building is repaired pursuant to the requirements of this Code and reoccupied;

b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three ~~((3))~~ consecutive quarterly inspections without further violation; or

c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

1 4. A premises that contains a vacant building or accessory structure that fails to
2 comply with subsection 22.206.200.A.4 after the compliance date in a Director's order or notice
3 of violation is found and declared to be a public nuisance. The Director is hereby authorized to
4 summarily abate the public nuisance by removing all debris, combustible materials including
5 vegetation overgrowth, litter and garbage, junk, waste, used or salvageable materials, and
6 inoperable vehicles and vehicle parts, from the vacant building, accessory structures, and the
7 premises including but not limited to adjoining yard areas. The costs of abatement shall be
8 collected from the owner in the manner provided by law.

9 ~~((4-))~~ 5. Quarterly inspection charges shall be assessed and collected as a fee
10 under the Permit Fee Ordinance (Chapters 22.900A through 22.900G).

11 Section 2. Section 22.208.020 of the Seattle Municipal Code, last amended by Ordinance
12 117861, is amended as follows:

13 **22.208.020 Standards for demolition, repair, or vacation and closure ~~((=))~~**

14 A. Whenever the Director determines, ~~((pursuant))~~ according to the procedures
15 established in Section 22.208.030 of this Code, that all or any portion of a building and/or
16 premises is unfit for human habitation or other use, the Director shall order that the unfit building
17 and/or premises or unfit portion ~~((thereof))~~ of the building or premises be:

18 1. Repaired, or demolished and removed, if the estimated cost of repairing the
19 conditions causing the building or structure to be unsafe or unfit for human habitation or other
20 use ~~((exceeds))~~ is more than ~~((fifty percent (50%)))~~ 50 percent of the replacement value of a
21 building or structure of similar size, design, type, and quality, provided that the Director may
22 order a building or structure, for which the estimated cost of such repairs ~~((do not exceed))~~ is
23 ~~((fifty percent (50%)))~~ 50 percent or less than ~~((of))~~ such replacement value, to be repaired, or

demolished and removed, if the degree of structural deterioration is as described in subsection 22.208.010.A, 22.208.010.D or 22.208.010.E, and the owner has failed three ~~((3))~~ or more times in the last five ~~((5))~~ years to correct the conditions by compliance dates as ordered by the Director;

2. Demolished and removed, at the owner's expense, if the building has been the subject of an emergency order to close pursuant to Section 22.206.260, and the building has also been subject to two or more unauthorized entries in the preceding 12 months, and the Director has received written notice from the Seattle Fire Department or the Seattle Police Department that the building presents a danger to the general public or to City staff who might be required to enter the building;

~~((2-))~~ 3. Repaired, and/or vacated and closed ((pursuant to)) according to the minimum standards for vacant buildings in Section 22.206.200 of this Code, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use ((does not exceed fifty percent (50%) of)) is 50 percent or less than the replacement value of a building or structure of similar size, design, type, and quality; or

~~((3-))~~ 4. Corrected or improved as specified in the Order of the Director as to the conditions that caused the premises other than buildings and structures to be unfit.

Nothing in this section shall limit the authority of the City to condemn and resell property pursuant to ~~((RCW))~~ chapter 35.80A RCW.

* * *

Section 3. Section 23.40.006 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.40.006 Demolition of housing

1 ((No)) A demolition permit for a structure containing a dwelling unit ~~((shall))~~ may only be issued
2 ~~((unless))~~ if one of the following conditions is ~~((satisfied))~~ met, ~~((and))~~ provided that no permit
3 for demolition of a structure containing a dwelling unit may be issued if the new use is for non-
4 required parking:

5 A. The structure ~~((is a residential use in a single family zone and was not))~~ has not been
6 occupied as rental housing during the prior ~~((12))~~ 6 months, ~~((unless such))~~ and the demolition
7 ~~((aids))~~ does not aid expansion of an adjacent non-residential use in a single-family or lowrise
8 zone, except as required for extension of light rail transit lines; ~~((or))~~

9 B. A permit or approval has been issued by the Director according to the procedures set
10 forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to
11 change the use of the structure or the premises; ~~((or))~~

12 C. A permit or approval has been issued by the Director to relocate the structure
13 containing a dwelling unit to another lot, whether within the City limits or outside the City limits,
14 to be used, on the new lot, as a dwelling unit; ~~((or))~~

15 D. A complete building permit application for construction of a new principal structure
16 on the same lot as the structure to be demolished has been submitted to the Director, the
17 demolition permit application and the building permit application are categorically exempt from
18 review under Chapter 25.05, Environmental Policies and Procedures, the issuance of some other
19 approval is not required by this Title 23 or Title 25 as a condition to issuing the demolition
20 permit, and the Director has approved a waste diversion plan pursuant to Section 23.40.007;

21 E. Demolition of the structure is ordered by the Director for reasons of health and safety
22 under Chapter 22.206 or 22.208 of the Housing and Building Maintenance Code, or under the
23 provisions of the Seattle Building Code or the Seattle Residential Code; or

F. The structure is in the MPC-YT zone.

Section 4. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 124750, is amended as follows:

23.91.002 Scope of this Chapter 23.91

A. Violations of the following provisions of this Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Chapter 23.43, Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A and a notice of violation has been issued requiring compliance with 22.206.200.F;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Chapter 23.43, Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII);

3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A; ~~((and))~~

4. Keeping of animals (Section 23.42.052) ~~(())~~ ; and

[5. Reserved.]

6. The following violations of the Shoreline district, Chapter 23.60A:

a. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

b. Releasing debris and other waste materials from construction, maintenance, repair, or in operation ((-)) or management of a property, into any water body (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A.152.U) ((-)) ;

c. Conducting activity in or over water outside the allowed work windows (subsection 23.60A.152.J); and

d. Closing required public access (Section 23.60A.164).

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit, or preclude any previous, pending, or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.

Section 5. The Council requests that the Director of the Seattle Department of Construction and Inspections submit a report with policy options no later than March 31, 2018, to enhance the Vacant Building Monitoring Program. At a minimum, the options should cover: (1) triggering events for enrollment or registration in the program; (2) minimum maintenance standards for vacant buildings, which may include use of higher grade materials, such as polycarbonate sheets or security panels, or other strategies to preserve the appearance and condition of the structure; (3) authority for the SDCI Director to create a standardized/uniform/streamlined building assessment or valuation process for chapter 22.208 of the HBMC; (4) a revised penalty structure for failure to comply with the maintenance standards; (5) a tiered fee structure to allow for cost recovery while minimizing costs for participants whose buildings are well maintained and not subject to unauthorized entry; and (6) authority to the SDCI Director to establish a complementary program whereby owners of vacant buildings may elect to have those buildings occupied by temporary caretakers who are unsheltered or face barriers to housing and are identified as potential caretakers by a human services provider or

1 similar organization. The Council further requests that SDCI provide a preliminary estimate of
2 start-up costs needed for the enhanced Vacant Building Monitoring Program by September 25,
3 2017, to allow Council consideration of potential appropriations during deliberations on the
4 proposed 2018 budget. The Council intends to consider appropriations and provide guidance for
5 establishment of a strengthened Vacant Building Monitoring Program during deliberations on the
6 proposed 2018 budget.

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2017,
and signed by me in open session in authentication of its passage this _____ day of _____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)