

**City Council Study Session Finance,
Technology and Economic Development
Special Focus Area
April 22, 2019 - 5:30 PM
City Hall Council Chambers
AGENDA
Watch the meeting LIVE!**

Watch the meeting video
Meeting videos are not available until 72
hours after the meeting has concluded.

- I. CALL TO ORDER
 - A. Roll Call
- II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS
 - A. Racial Equity Presentation (Martinson) (30 Minutes) (5:35 p.m.)
- III. AGENDA ITEMS FOR COUNCIL DISCUSSION
 - A. RPG Properties - Introduction of Inland Construction (Tate) (20 Minutes) (7:15 p.m.)
Inland Construction to inform Council of potential acquisition of RPG property
 - B. Discuss Draft Ordinance No. 6714 for ROW Vacation #V2-18 (Gaub) (10 Minutes) (6:05 p.m.)
 - C. 2020-2025 Transportation Improvement Program Annual Update (Gaub) (20 Minutes) (6:15 p.m.)
 - D. Tenant Protection Laws and Programs (Tate) (20 Minutes) (6:35 p.m.)
 - E. Multifamily Property Programs (Tate) (20 Minutes) (6:55 p.m.)
- IV. FINANCE, TECHNOLOGY AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS
- V. OTHER DISCUSSION ITEMS
- VI. NEW BUSINESS
- VII. MATRIX
 - A. Matrix
- VIII. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

RPG Properties - Introduction of Inland Construction (Tate) (20 Minutes) (7:15 p.m.)

Date:

April 15, 2019

Department:

Community Development

Attachments:

[Attachment 1 - Inland Construction Concept at Auburn Gateway](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:

For discussion and feedback.

Background Summary:

Inland Construction is a Spokane based construction company that specializes in creating and owning multi-family communities. A sampling of their properties can be viewed at:

<http://inlandconstruction.com/>

Inland Construction (Inland) is considering acquisition of the former Valley 6 Drive In property from Robertson Properties Group (RPG) properties. If they acquire the property, Inland has indicated that they will likely submit a request to amend city code and the existing Development Agreement (DA) adopted under Resolution No. 4756 (2011) in order to allow horizontal mixed use (the current DA requires vertical mixed use where the ground floor is commercial with multi-family residential above).

Inland has indicated that it is their desire to construct a multi-family complex with approximately 500 dwelling units. This number is consistent with the maximum number of multi-family units considered in the previously approved sub area plan, Environmental Impact Statement (EIS), and DA. But they have also indicated that there are a number of circumstances that preclude construction of the previously anticipated 1.6 million square feet of professional office and/or 720,000 square feet of retail commercial.

Inland has provided the materials to City Council and will be present at the April 22nd study session to introduce themselves, describe their vision, and to explain the circumstances that are causing them to request modifications to the DA and city code.

In anticipation of the April 22, 2019 Study Session, staff would like to provide the following considerations and questions that Council may want to consider presenting to Inland.

Considerations:

- DA's are allowed under State law. The premise behind a DA is to allow a municipality and a property owner to voluntarily agree to development terms that are outside of adopted city code requirements. Both parties may have this interest because it allows a

property owner to present a concept that does not fit into adopted city code and it allows a municipality to require more of a developer than what is established in adopted city code. In other words, the property owner is provided flexibility in certain specified standards and the city gets more than what the code requires. It is a negotiated agreement.

- It is anticipated the FEMA will change the regulatory floodplain maps in 2020. The area of property encumbered by floodplains will increase as a result of the map changes. Of the approximately 70 acres owned by RPG, currently approximately 35 acres lie within the floodplain. When the new FEMA maps go into effect, the floodplain will increase by approximately 15 acres bringing the total area encumbered by floodplains to approximately 50 acres leaving only about 20 acres of land outside the floodplain. Development within the floodplain is considerably more difficult and expensive. Additionally, federal FEMA rules impose a different type of permit application vesting threshold than City, County or State laws. While City, County and State laws typically vest a development proposal at the time that a “complete” permit application is accepted, federal FEMA rules do not vest development activity until a foundation has been placed in the ground.

Potential Council Questions:

1. Inland has declared its intent to construct 500 multi-family units at this site. This is generally consistent with what was envisioned in the DA. They seek to develop within the southern part of the site, with structures outside the anticipated new floodplain on an expedited schedule. How will you realize the 1.6 million square feet of professional office and/or the 720,000 square feet of retail commercial?
2. If the residential and commercial are to be phased in, which would go first and how long is anticipated between the two phases?
3. Why can't your proposed residential development footprint be altered in order to accommodate more office or retail development? Why not provide fewer residential buildings that are taller so that you achieve the 500 units in a smaller footprint?
4. Can a portion or all of the multifamily product be constructed as townhomes or condos rather than apartments to give more affordable home ownership options in Auburn?
5. If the increase in the floodplain footprint is part of the reason that the commercial portions are decreasing, why not decrease or eliminate the residential in favor of commercial?
6. Is it possible to retain the same proportions of site areas devoted to commercial (office and retail) and residential for the areas of the site that are less influenced by new floodplain as the development has previously shown?
7. If you can't realize all of the office and/or retail, why should the City consider modifying the DA? How does the City benefit from being open to amending the DA? What community and public infrastructure benefits is the City receiving in exchange?
8. We know that the RPG site has remained vacant for a number of years but we see vertical mixed use that is working well and/or is presently being built in other nearby cities. Why won't it work here?

9. Inland is constructing vertical mixed use in other communities; why can't you construct this type of product at this site? Is the city being requested to accept the residential based on current conditions that do not fully recognize future potential?
10. As a developer devoted primarily to multi-family housing what assurances and deadlines can you commit to regarding the commercial portion of your concept? When will you build the commercial product?
11. Will the multi-family housing product be market rate housing?
12. How do the market conditions influencing commercial development that might be cited by Inland compare to information on market conditions reported in the city's economic development studies?

Reviewed by Council Committees:

Councilmember: DaCorsi

Staff: Tate

Meeting Date: April 22, 2019

Item Number:

Auburn Gateway

Building a Livable Community



Inland Group

Comprehensive Multifamily Construction & Development Services

Auburn Gateway

Building a Livable Community

HISTORY—And a Path Forward

The Auburn Gateway Plan was set forth by a Development Agreement in 2011 that established expectations by the former developer (and current owner) Auburn Properties, Inc (RPG), a California based real estate company. The concept was a mixed-use commercial and residential development on 70+ acres of vacant land east of Auburn Way North between 277th and 45th.

RPG had decided to no longer pursue the development of Auburn Gateway and instead has elected to sell the property. Inland Group, a multi-family housing developer and general contractor, has entered into an agreement to purchase the property from RPG.

Based in Spokane, Washington Inland does a significant amount of development along the I-5 corridor. In order to respond to current market conditions and the constraints of the enlarged flood plain, Inland will be proposing modifications to the original Development Agreement to provide certainty of development moving forward.

The community of Auburn has waited a considerable time to see the vision of Auburn Gateway come to be. Inland is proposing a path forward to develop a vibrant community with a design philosophy rooted in providing healthy living options to residents and visitors.

Auburn Gateway

Building a Livable Community

THE VISION

Inland intends to maintain the original vision of Auburn Gateway while creating more flexibility and certainty of development through a modification to the residential component of the plan that allows for a vertical and horizontal mixed-use configuration. This will allow the ability for the first phase of development – 500 units of housing, to commence by the end of 2019.

A Master Plan designed for:

- Amenity rich living options that are environmentally sustainable and built with healthy living choices in the community.
- The creation of development ready commercial and retail pads, which will ease the ability of future commercial developers to build out space.
- A focus on the community by creating amenity space that benefits residents of north Auburn.
- The completion of public infrastructure improvements to provide connectivity to the surrounding community.

Auburn Gateway

Building a Livable Community

“What makes a City Livable?”

Simple. Sidewalks, architecture, affordable housing, green spaces, access to food, and short distances to daily needs.”

- Hannelore Sudermann
University of Washington

Commercial Business Opportunity
Development could provide access to medical service providers. Support the overall well-being of the community.

Access to Trails
Healthy communities reduce the use of private motor vehicles and promote other means of transportation such as bicycling, walking and public transit.

Activate the Corners
Provide pedestrian interest and add activity.

Permeability
Allow the development to breathe! Integrate into its surroundings inviting people in to the community.

Showcase Retail Corner
With two important street frontages, parking will be internalized on the site.

Open Space
A connection to nature -- people need nature to support good mental health and well-being.

HEART
The primary gathering space: A flexible green space to host community events, foster connectivity, and provide an intuitive connection between residents, retail, commerce and transit paths.

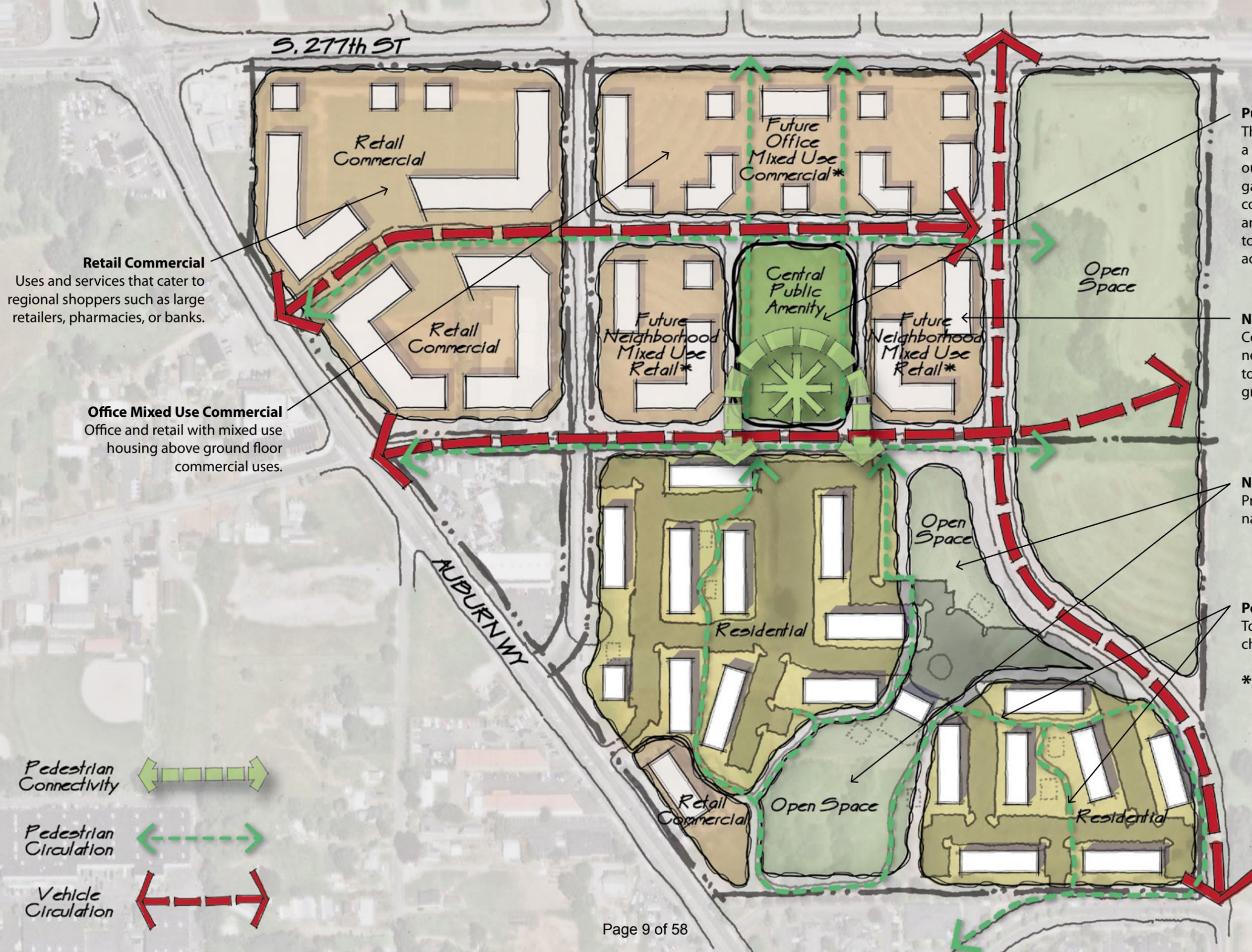
Interurban Trail

1/2 Mile to Green River Trail
1/2 Mile to Interurban Trail

1/2 Mile to Proposed Green River Trails

Existing Trail

Existing Trail



Retail Commercial
Uses and services that cater to regional shoppers such as large retailers, pharmacies, or banks.

Office Mixed Use Commercial
Office and retail with mixed use housing above ground floor commercial uses.

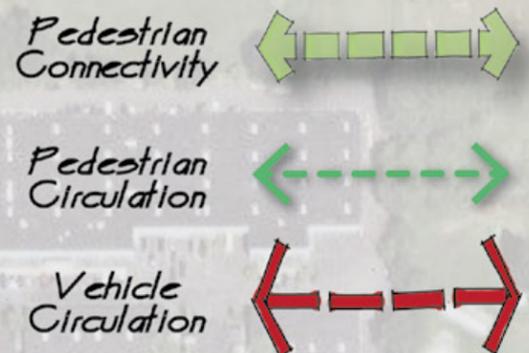
Public Amenity
The neighborhood's Heart, with a gathering place such as an outdoor theatre, community garden, or park space. Centrally connected to residential areas with pedestrian paths to encourage healthy living activities.

Neighborhood Mixed Use Retail
Commercial uses that serve the local neighborhood residents for day-to-day items such as restaurants, grocery, and personal services.

Neighborhood Open Space
Preserved open space with trails, natural vegetation, and wetlands.

Pedestrian Trail System
To encourage healthy lifestyle choices.

*** Currently in FEMA floodplain**



Auburn Gateway

Building a Livable Community

THE MARKETPLACE

A retail and commercial destination for north Auburn that could include a mix of uses from neighborhood scale retail, to medium and big box commercial, as well as office space and medical facilities. Current space for at least 90,000SF of space with options for more with a FEMA floodplain modification.

Designed for certainty of development for future retail and businesses:

- Inland's development plan will complete the land-use development process and allow retail and commercial users to only require a building permit to develop a commercial pad.
- Off-site infrastructure improvements will be completed to attract smaller neighborhood level retailers that do not have the ability to complete large scale development on their own.
- Development ready pads that extend wet and dry utilities to future retail and commercial sites within the master plan will be completed.
- Integrate pedestrian and transit connectivity between commercial uses and the surrounding neighborhood.



Auburn Gateway

Building a Livable Community

THE RESIDENCES

Copper Gate Apartments will be located on the south portion of the site between 49th and 45th street. It will consist of 500 units of multi-family housing with a mix of one, two, three- and four-bedroom unit mix, providing options for larger families in the community.

Designed for affordability and healthy living:

- Certified to Evergreen Sustainable Design Standards, which provides healthy interiors (No-VOC & formaldehyde free products), and energy efficiency (built 15% more efficient than code with solar integration).
- Designed to CPTED principles to reduce incidents of crime.
- Two separate Club Houses with a business center, theatre, indoor play ground, fitness center and sport court (allowing healthy living options year round).
- Outdoor amenities will include covered and secured centralized bike storage, sport courts, playgrounds, pool, splash pad, trail system and community gardens.
- Utilization of the existing wetlands as a focal point for outdoor recreation and amenity space.
- Resident orientation that will provide information to encourage sustainable and healthy living habits.



Auburn Gateway

Building a Livable Community

THE HEART—A new gathering place

Community is at the heart of Auburn Gateway. The history of this site holds a special place for many in the community. When the Valley 6 Drive-In was in operation it created a destination place for the neighborhood and many memories for the residents that attended movies. Inland will attempt to capture the nostalgia of this place in a new way.

Designed for the neighborhood:

- A new outdoor venue for people—not cars—will be created to host summer movie and theatre events.
- Centrally located at the crossroads of a master planned pedestrian trail system that will provide access to the neighborhood.
- Flexible venue space for a possible farmers market or food truck destination.
- Options for healthy living activities and recreation space.





AGENDA BILL APPROVAL FORM

Agenda Subject:

Discuss Draft Ordinance No. 6714 for ROW Vacation #V2-18 (Gaub) (10 Minutes) (6:05 p.m.)

Date:

April 3, 2019

Department:

Public Works

Attachments:

[Draft Ordinance](#)

[Exhibits A, B and C](#)

[Staff Report](#)

[Vicinity Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

The property owner of 733 10th Street NE, Steve Margo, has applied to the City for vacation of right-of-way located north of his property and east of Auburn Way North, shown on Exhibit "B" and Exhibit "C". The applicant currently owns adjacent parcels #3339900766 and 3339900761 to the south and is proposing to incorporate the right-of-way into his multifamily property so that he can continue to utilize it for additional parking, storage and garbage and recycling pickup for the multifamily buildings.

The right-of-way was originally Quit Claim deeded to the City for Street purposes in 1966 but has never been opened for street or public use or maintained by the City.

The application has been reviewed by City staff and utility purveyors who have an interest in this right-of-way. Through this review City staff has determined that the right-of-way is not necessary to meet the needs of the City and could be vacated.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: April 22, 2019

Item Number:

ORDINANCE NO. 6714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, VACATING RIGHT-OF-WAY NORTH OF 10TH STREET NE AND EAST OF AUBURN WAY NORTH, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), received a petition by not less than two-thirds (2/3) of the owners of property adjacent to right-of-way located north of 733 10th Street NE and east of Auburn Way North, within the City requesting vacation of the same; and,

WHEREAS, the City Council of the City of Auburn, Washington ("City Council"), has, reviewed the need for streets and right-of-ways in the vicinity of the right-of-way and determined that consideration should be given to the vacation of the same; and,

WHEREAS, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and,

WHEREAS, the City Council has considered all matters presented at the public hearing on the proposed vacation, held on the 20th day of May, 2019, at the Auburn City Council Chambers in Auburn, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. Vacation. That the right of way located north of 733 10th Street NE and east of Auburn Way North located within the City of Auburn, Washington, legally described as follows:

Ordinance No. 6714
ROW Vacation V2-18
March 19, 2019
Page 1 of 3

The north 30 feet of lots 38, 39 and 40, block 15, C.D. Hillman's
Auburndale Addition to the City of Seattle, Division No. 2,
According to the Plat thereof recorded in Volume 13 of Plats,
Page 92, Records of King County, Washington.

[Also identified as Exhibit A.]

and as shown on the survey, a copy of which is attached, marked Exhibit "B" and Exhibit
"C", the same is vacated and the property lying in the portion of right-of-way described, shall
inure and belong to those persons entitled to receive the property in accordance with RCW
35.79.040.

Section 2. Constitutionality or Invalidity. If any portion of this Ordinance or
its application to any person or circumstances is held invalid, the remainder of the Ordinance
or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. Implementation. The Mayor is authorized to implement such
administrative procedures as may be necessary to carry out the directives of this location.

Section 4. Effective Date. This Ordinance shall take effect and be in force
five (5) days from and after passage, approval, and publication as provided by law.

Section 5. Recordation. The City Clerk is directed to record this Ordinance
with the office of the King County Auditor.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

Ordinance No. 6714
ROW Vacation V2-18
March 19, 2019
Page 2 of 3

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

PUBLISHED: _____

DRAFT

Ordinance No. 6714
ROW Vacation V2-18
March 19, 2019
Page 3 of 3

EXHIBIT A

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7,
TOWNSHIP 21 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF AUBURN, KING COUNTY, WASHINGTON

RIGHT OF WAY VACATION DESCRIPTION

THE NORTH 30 FEET OF LOTS 38, 39 AND 40, BLOCK 15, C.D. HILLMAN'S
AUBURNDALE ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 2,
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 92,
RECORDS OF KING COUNTY, WASHINGTON.

(IT IS THE INTENT OF THE ABOVE DESCRIPTION TO DESCRIBE THAT PORTION OF
RIGHT OF WAY DEEDED TO THE CITY OF AUBURN UNDER RECORDING NO. 6048203
LYING IN THE NORTH 30 FEET OF LOTS 38-40, AUBURNDALE ADDITION)

SHEET 1 OF 3

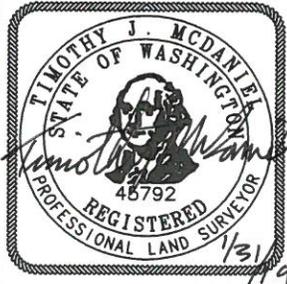
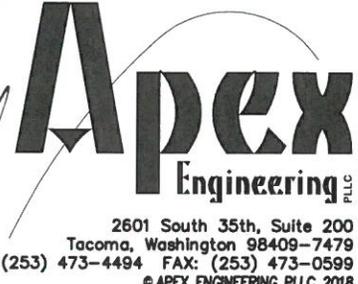
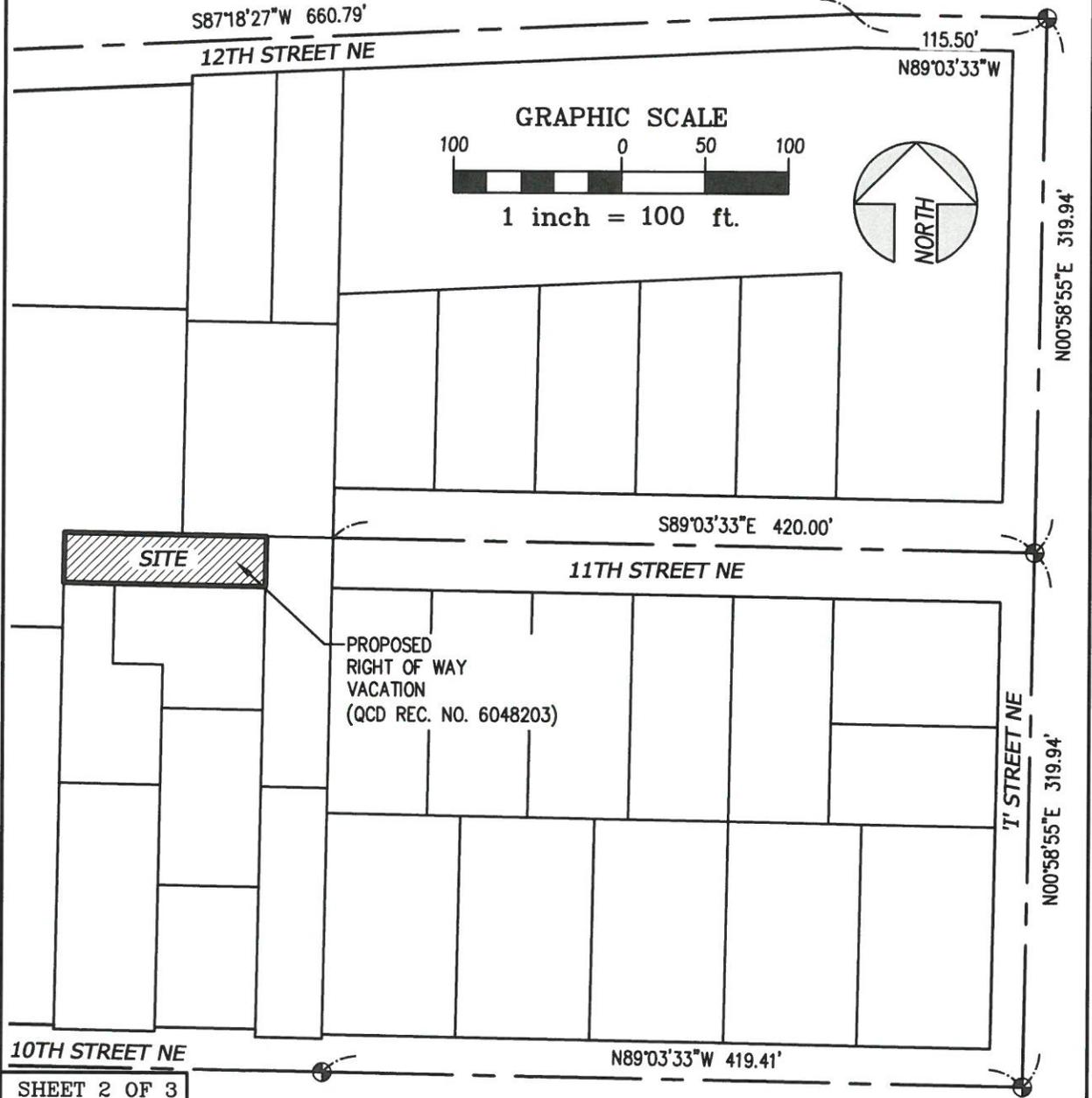
RIGHT OF WAY VACATION LEGAL DESCRIPTION			 Apex Engineering PLLC 2601 South 35th, Suite 200 Tacoma, Washington 98409-7479 (253) 473-4494 FAX: (253) 473-0599 © APEX ENGINEERING PLLC 2018
APEX JOB NO: 34545	DATE: 08/23/2018		
DRAWN BY: TJM	CHECKED BY: ABB		
DWG. NO: 34545-C3D.DWG	SCALE: 1"=100'		

EXHIBIT B

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7,
TOWNSHIP 21 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF AUBURN, KING COUNTY, WASHINGTON



10TH STREET NE

SHEET 2 OF 3

RIGHT OF WAY VACATION EXHIBIT

APEX JOB NO: 34545	DATE: 08/23/2018
DRAWN BY: TJM	CHECKED BY: ABB
DWG. NO: 34545-C3D.DWG	SCALE: 1"=100'



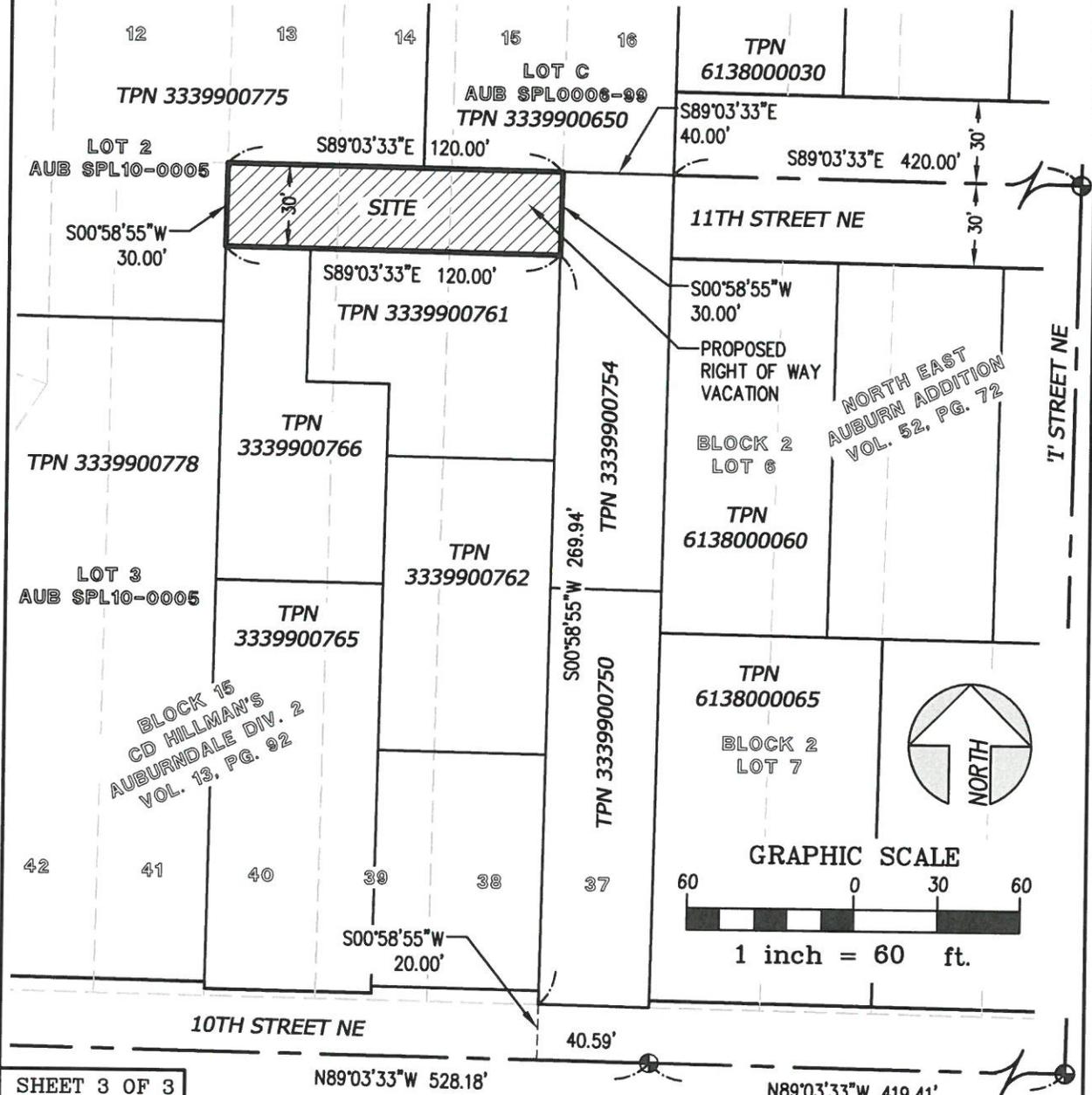
Apex

Engineering PLLC

2601 South 35th, Suite 200
Tacoma, Washington 98409-7479
(253) 473-4494 FAX: (253) 473-0599
© APEX ENGINEERING PLLC 2018

EXHIBIT C

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7,
TOWNSHIP 21 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF AUBURN, KING COUNTY, WASHINGTON



SHEET 3 OF 3 N89°03'33"W 528.18' N89°03'33"W 419.41'

**RIGHT OF WAY
VACATION EXHIBIT**

APEX JOB NO: 34545	DATE: 08/23/2018
DRAWN BY: TJM	CHECKED BY: ABB
DWG. NO: 34545-C3D.DWG	SCALE: 1"=100'



Apex
Engineering PLLC

2601 South 35th, Suite 200
Tacoma, Washington 98409-7479
(253) 473-4494 FAX: (253) 473-0599
© APEX ENGINEERING PLLC 2018



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V2-18

Applicant: Steve Margo

Property Location: Right-of-Way located north of 733 10th St NE.

Description of right-of-way:

The ROW proposed for vacation consists of unopened ROW north of 733 10th Street NE and east of Auburn Way North. The proposed ROW is adjacent to Parcel No. 3339900766 and 3339900761 to the south which are owned by the applicant, Parcel No. 20100922001 to the north and west which are owned by AutoZone, and Parcel No 3339900754 to the east which is owned by a private citizen. The total proposed ROW vacation area is approximately 3,600± square feet.

The ROW was originally Quit Claim Deeded to the City of Auburn for street purposes on May 13, 1966. The ROW has never been opened to the public for street purposes and it appears that the City has never maintained the area as ROW or for any public use.

See Exhibits "A", "B", and "C" for legal description and survey.

Proposal:

The Applicant proposes that the City vacate the above described right-of-way so that they can continue to utilize it for additional parking, storage and garbage and recycling pickup area for their multi-family buildings.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- The vacated area may be subject to property taxes.
- The street vacation decreases the Right-of-Way maintenance obligation of the City.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, CenturyLink, and City staff.

1. Puget Sound Energy (PSE) – PSE has no facilities located within the proposed vacation area and no need for any easement reservation.
2. Comcast – No comments received.
3. Water – Water does not require any easements for the proposed vacation.
4. Sewer – There are no sewer facilities and no objection to the proposed vacation.
5. Storm – Storm has no comments and does not require any easements for the proposed vacation.
6. Transportation – No comments.
7. Planning – Zoning for the ROW is the same as the applicant parcels so if approved and if the ROW attaches to the applicant parcels a change to the zoning maps is not required. Additionally, should the applicant wish to improve the area in the future they should check with the City first to avoid any potential code enforcement actions prior to undertaking any modifications.
8. Fire – Fire department turn around for the Pinehurst Manor Apartments must be maintained if the vacation is approved.
9. Police – No comments.
10. Streets – No comments.
11. Construction – No comments.
12. Innovation and Technology – No comments

Assessed Value:

ACC 12.48.085 states “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city’s expense.”

RCW 35.79.030 states the vacation “shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-

way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated.”

An appraisal by an MAI appraiser of the subject right-of-way was submitted by the applicant. The City reviewed and accepted the appraisal. The appraisal values the right-of-way at highest and best use of assemblage with abutting parcels at \$36,000.00.

Recommendation:

Staff recommends that the street vacation be granted with no conditions and that compensation not be required as the right-of-way was acquired through Quit Claim Deed at no cost to the City and it has never been opened for public or street use or maintained by the City.



AGENDA BILL APPROVAL FORM

Agenda Subject:

2020-2025 Transportation Improvement Program Annual Update (Gaub) (20 Minutes) (6:15 p.m.)

Date:

April 16, 2019

Department:

Public Works

Attachments:

[2019 TIP Update Preliminary Memo](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

The Six-Year Transportation Improvement Program (TIP) is required to be amended annually as required by RCW 35.77.010. The primary importance of the TIP is that, in most instances, projects must be included on the TIP to be eligible for state and federal grant programs. The TIP identifies secured or reasonably expected revenues and expenditures for each of the projects included in the TIP. Typically, projects listed in the first three years of the document are shown as having secured funding while projects in years 4, 5, and 6 can be partially or completely un-funded.

The TIP is a multiyear planning tool and document for the development of transportation facilities within the City and does not represent a financial commitment by the City. Once the TIP is approved, projects are budgeted and funded through the City's biennial budget. The TIP sets priorities for the acquisition of project funding and is a prerequisite of most grant programs. Staff also uses the TIP to coordinate future transportation projects with needed utility improvements.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: April 22, 2019

Item Number:



Memorandum

To: Mayor Backus and City Council
From: James Webb, Traffic Engineer, PE, PTOE
Date: April 16, 2019
Re: 2020-2025 Transportation Improvement Program – Annual Update
(Preliminary Discussion)

Background Summary

The Six-Year Transportation Improvement Program (TIP) is required to be amended annually as required by RCW 35.77.010 by June 30. The primary importance of the TIP is that, in most instances, projects must be included on the TIP to be eligible for state and federal grant programs. The TIP identifies secured or reasonably expected revenues and expenditures for each of the projects included in the TIP. Typically, projects listed in the first three years of the document are shown as having secured funding while projects in years 4, 5, and 6 can be partially or completely un-funded.

The TIP is a multiyear planning tool and document for the near term development of transportation facilities within the City and does not represent a financial commitment by the City. Once the TIP is approved, projects are budgeted and funded through the City's biennial budget. The TIP sets priorities for the acquisition of project funding and is a prerequisite of most grant programs. Staff also uses the TIP to coordinate future transportation projects with needed utility improvements.

PRELIMINARY SUMMARY OF PROPOSED AMENDMENTS TO THE TIP

Deletions: The following projects are planned to be removed from the updated TIP:

- TIP N-10: A Street SE Pedestrian Crossing Improvements (\$5.55M) – The need and approach for pedestrian connectivity between A Street SE and Skinner Road will be re-evaluated with the A Street SE corridor study (S-5).
- TIP P-3: Arterial Crack Seal (\$0.1M) – The scope and funding for this project is being consolidated with the Arterial Street Preservation Program to provide flexibility in street preservation approaches (P-1).
- TIP P-9: A Street SE Preservation (E Main St to 17th St SE) (\$1.74M) – Will be completed in 2019

- TIP S-3: A Street SE/Lakeland Hills Way SE Intersection Study (\$0.05M) – The scope of this project is proposed to be combined with the A Street SE corridor study (S-5).
- TIP S-4: Kersey Way SE Corridor Study (\$0.02M) – Pedestrian facilities on Kersey Way will be provided with development activities as they occur. A City project to connect any remaining gaps may be considered in the future.

Additions: The following projects are proposed to be added to the updated TIP:

- TIP R-20: Lea Hill Road Segment 1 (Harvey Rd/M St NE to 105th PI SE) – the project is proposed to be split into a Phase A and a Phase B. The scope of Phase A will be to create a new east/west connection between Garden Avenue and 104th Ave SE and cul-de-sac Garden Avenue at 8th Street NE.

Other Modifications:

Other changes proposed to be made as part of the annual update are to revise certain project descriptions, cost estimates, and anticipated funding sources to be more representative of project scopes and available funding sources.

CURRENT STATUS AND NEXT STEPS:

Staff will continue to develop the 2020-2025 TIP update. The Transportation Advisory Board and City Council comments will be addressed and adoption is anticipated to follow the schedule below.

- ~~MARCH 12, 2019: FIRST TRANSPORTATION ADVISORY BOARD DISCUSSION~~
- **APRIL 22, 2019: FIRST COUNCIL STUDY SESSION**
- **MAY 13, 2019: SECOND COUNCIL STUDY SESSION**
- **JUNE 3, 2019: RESOLUTION TO SCHEDULE PUBLIC HEARING**
- **JUNE 11, 2019: SECOND TRANSPORTATION ADVISORY BOARD DISCUSSION**
- **JUNE 17, 2019: PUBLIC HEARING & RESOLUTION FOR ADOPTION**



AGENDA BILL APPROVAL FORM

Agenda Subject:

Tenant Protection Laws and Programs (Tate) (20 Minutes)
(6:35 p.m.)

Date:

April 15, 2019

Department:

Community Development

Attachments:

[Memo to Council - Tenant Protections](#)
[Exhibit A - Seattle Just Cause Reasons for Eviction](#)
[Exhibit B - NCHH Housing Standards Manual](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:

For Discussion only.

Background Summary:

An overview of tenant protections that are in place in Auburn, options that the City could consider implementing, and a summary of laws that are in effect in other cities.

Tenants of rental property are afforded a number of basic protections in Washington State and the City of Auburn. Additionally, there are programs and protections that have been implemented in other cities within the region that are intended to enhance those basic tenant protections. The attached memorandum provides an overview of laws and programs that apply within the City of Auburn as well as laws and programs that have been implemented in other communities.

Reviewed by Council Committees:

Councilmember: Trout-Manuel

Staff: Tate

Meeting Date: April 22, 2019

Item Number:



Memorandum

To: City Council Members

From: Jeff Tate, Director of Community Development

CC: Mayor Nancy Backus

Date: April 8, 2019

Re: Tenant and Landlord Protections in Washington State and the City of Auburn

Washington State Tenant and Landlord Protection Laws

Landlord Tenant Act (RCW 59.18)

The Landlord Tenant Act establishes a basic set of statewide laws designed to protect both tenants and landlords. It sets forth responsibilities of both parties. For landlords, it establishes timeframes for responding to needed repairs, eviction procedures, right of entry procedures for gaining access to units, and obligations to maintain buildings and property. For tenants, it establishes requirements for a tenant to maintain their unit, dispose of trash, not engage in drug activity, properly utilize building systems, restore the premises to its initial condition when vacating the unit.

Manufactured Mobile Home Landlord Tenant Act (RCW 59.20)

The Manufactured Mobile Home Landlord Tenant Act establishes similar landlord and tenant expectations as the Landlord Tenant Act. Mobile or Manufactured Home Parks are often structured in a way where the tenant owns the structure and is renting the space upon which the home is placed. This arrangement demands a different set of landlord and tenant responsibilities. Landlords are responsible for maintaining common areas, exterminate pests and rodents, maintain and protect utilities from the point of connection at the home throughout the rest of the premises, and to maintain roads. Tenants are responsible for maintaining their home, properly dispose of waste, refrain from drug use, and to not permit a public nuisance.

As a result of a 1985 decision by the Washington State Supreme Court, the city and state do not have authority to enforce either of the above laws. Disputes between landlords and tenants are civil matters. As a result, tenants with lower income or that do not speak English as their primary language are at a disadvantage to exercise their tenant rights. Challenging landlords under the Landlord Tenant Act can trigger attorney or court fees or can result in retaliatory actions by a landlord such as eviction. Additionally, tenants who lack resources are challenged at finding alternate living arrangements due to the financial burden of moving and fear of receiving negative background checks provided by the current landlord.

But cities do have the authority to enact regulations and programs designed to better assist tenants and to reduce the number of instances where property or housing conditions have deteriorated to a point that leads to recurring tenant complaints.

City of Auburn Tenant Protection Laws

The City of Auburn has already enacted a number of laws and programs that provide benefit to tenants of rental properties. They are described as follows.

Rental Housing Business License Regulations (ACC 5.22)

All rental housing properties in the City of Auburn are required to hold a Rental Housing Business License. This program offers tenant protections in the following manner:

- Establishes a mechanism for the City and multifamily property owners to engage and work on crime prevention strategies and property conditions with the objective of maintaining safe, clean and quality communities.
- Establishes a mechanism for inspecting rental properties that are not complying with city laws.
- Establishes an enforcement tool whereby a Rental Housing Business License can be denied, suspended or revoked due to failures to comply with adopted city laws.
- Adopts laws that prohibit rental property owners from using source of income as the sole basis when selecting tenants.
- Authorizes the city to impose transitional costs upon the rental property owner in the event the city revokes a Rental Housing Business License.

International Property Maintenance Code (ACC 15.06)

The IPMC establishes minimum standards for the condition of exterior properties, building systems, habitability, and occupancy. Features of this law include:

- Requiring the exterior premises be clean and well maintained.
- Requires properties to be free of rodents and pests.
- Requiring that ventilation systems be operable (something that is important for reducing moisture, mold and mildew)
- Requiring that windows be operable and screens be maintained.
- Requiring plumbing systems that provide potable and heated water.
- Requiring heating systems that ensure minimum temperature levels be achieved.
- Requiring electrical systems and exterior lighting to function in a safe manner.
- Requiring fire sprinkler and alarms systems to function.
- Requiring buildings, walkways, decks, stairs and other structural components to be safe and secure.
- Requiring adherence to basic life, safety and health standards.

Public Nuisance Regulations (ACC 8.12)

The City's public nuisance regulations establish minimum standards for the exterior maintenance of property. Features of the ordinance include:

- Requiring vegetation be maintained on property in order to ensure that it does not attract pests or rodents.
- Requiring that buildings be maintained so as not to become a blight.

Mobile Home Closure Regulations (ACC 14.20)

This chapter of city code establishes rules, timelines, and procedures that the owner of a mobile home park must follow prior to closing the park. Features of this ordinance include:

- Before a park owner may issue eviction notices to residents the owner must submit a relocation report to the city.
- The relocation report must provide information related to relocation assistance offered to all tenants.
- Once the relocation report is approved by the city the owner of the park must provide at least 12 month notice of the closure to the park tenants.
- The relocation report must be made available to all tenants within 14 days of its approval.

What are Other Cities Doing?

While Washington State Law precludes local municipalities from implementing approaches such as rent control (e.g. limiting the ability of a property owner to increase rent by pre-established amounts), there are actions that other cities have taken to help further protect tenants; especially tenants that qualify as lower income households. Here is a list of tenant protections that are not in effect in Auburn, but are in use in other cities:

- Mandatory proactive inspection programs. Many cities have adopted local mandatory inspection programs utilizing the provisions outlined in RCW 59.18.125. RCW allows cities to establish mandatory multifamily inspection requirements subject to specific limitations (i.e. frequency, number of units to be inspected, etc.). The intent of this program is to ensure that properties do not deteriorate and that tenants are afforded a baseline expectation for housing condition.
- Longer notification periods for rent increases. Under Washington State Law a landlord is required to provide at least 30 days notice of a rent increase. Many cities have adopted local ordinances that require landlords to provide 60 days notice of a rent increase. This provides a tenant with more time to find a different location to reside if they are not able to afford the rent increase. Typically, cities attach this requirement to rent increases that exceed 10% of the existing rent. This means that a 9% increase in rent only requires a 20 day notification, while an 11% increase requires a 60 day notification. As rental vacancy rates remain low and property values increase, it is common for the City of Auburn to hear that a landlord is raising their rental rates by amounts that exceed 10%.
- Adopting “just cause eviction” regulations. Just cause ordinances require that landlords evict tenants based on reasonable justification. It is important to note that these ordinances do not interfere with eviction procedures based upon violations of a lease agreement; that eviction process is still available to the landlord. Just cause ordinances typically establish:

1. A longer notification period for landlords to notify a tenant to vacate. Under Washington State Law a landlord is required to provide a 20 day notification to vacate. This can cause a hardship on a tenant because they will be required to locate a new home and absorb moving and move in costs (e.g. deposit, first month rent, background check fees, etc.). Some cities have adopted laws that extend the notification period from 20 days to 60 days in order to provide additional time for the tenant to find a residence and to determine how they will pay for the costs of moving.
 2. Just cause ordinances are designed to protect tenants from retaliatory decisions of landlords to evict a tenant for submitting a complaint or a request for repair. Without a just cause ordinance the landlord is free to evict a tenant whenever they want and without reason. While not every just cause ordinance outlines reasons that a landlord may evict a tenant, Seattle has incorporated 18 justified reasons for termination of a month to month tenancy. The 18 reasons outlined in Seattle City Code are attached as Exhibit A.
- Developing a “tenant relocation assistance” program. In Washington State landlords are required to pay relocation and rental assistance to tenants forced to relocate when substandard property becomes condemned. Landlords must pay \$2,000 or three times the monthly rent, whichever is greater, to families forced to move under these circumstances. If the landlord fails to pay, the city can collect the money from the landlord with interest and penalties. These laws already exist.

An additional option that local municipalities may consider is designed to protect tenants forced to move because of building demolition or substantial rehabilitation. By local ordinance the city is allowed to require property owners to provide reasonable tenant relocation assistance to low-income tenants (50% AMI or less) when a building is demolished, substantial rehabilitation is proposed (even if that rehabilitation is required as a result of a code enforcement action), a change of use of property (e.g. the property owner obtains a rezone), or if a low-income housing restriction is removed from a property. Relocation assistance can take into account moving costs, utility connections and account set up, and an additional/unanticipated rental and utility costs in the new residence for one year after relocation. To implement this type of program State law requires that the landlord and city each pay 50% of these costs.

- Adoption of Healthy Housing Standards. The National Center for Healthy Housing has published a 65 page manual of health housing standards. In lieu of including the entire manual, Exhibit B is the two page table of contents for the manual which provides an overview of subject areas that are covered in these model standards. The standards provide much greater specificity than the IPMC that the City has already adopted. Because of their specificity, both the tenant and the landlord has a greater understanding of their responsibilities which helps mitigate arguments down the road.

An additional feature of this program is that it includes a tool that very clearly delineates what the tenant is responsible for and what the landlord is responsible to complete. This clarity is very helpful when the city responds to a complaint because it is not always apparent who is responsible for the cause of the issue and/or who should remedy the problem. A good example is mildew. When Code Enforcement investigates a mold or mildew complaint there are times where it is due to a condition

that the owner is responsible to remedy (e.g. repairing bathrooms that don't function, repairing windows that sweat or don't open, etc.); and there are times when the tenant has caused the problem – in all likelihood due to something that they are not aware that they did (e.g. not using bathroom fans, placing furniture up against an exterior wall that has baseboard heating, etc.).

Note: If a tenant refuses to move, only a court can force the tenant to leave.

The following is a summary of the reasons for which owners may end tenancies under the ordinance:

1. The tenant fails to pay rent within 3 days of a notice to pay rent or vacate.
2. The tenant habitually fails to pay rent on time, causing the owner to notify the tenant in writing of overdue rent 4 or more times in a 12-month period.
3. The tenant does not comply with material terms of a lease or rental agreement within 10 days of a notice to comply or vacate.
4. The tenant does not comply with a material obligation under the State Landlord-Tenant Act within 10 days of a notice to comply or vacate.
5. The tenant habitually fails to comply with material terms of the lease or rental agreement, which causes the owner to serve a 10-day notice to comply or vacate 3 or more times in a 12-month period.
6. The tenant severely damages the rental unit (causes “waste”), causes a nuisance (including drug-related activity), or maintains an unlawful business, and does not vacate the premises within three days of a notice to do so. The type of damage, nuisance or unlawful business must be specified in writing on the notice.
7. The tenant engages in criminal activity in the building or on the premises or in an area immediately adjacent to the building or premises. The alleged criminal activity must substantially affect the health or safety of other tenants or the owner; illegal drug-related activity is one crime specified by the ordinance. A property owner who uses this reason must clearly state the facts supporting the allegation, and must send a copy of the termination of tenancy notice to SDCI.
8. The owner wishes to occupy the premises personally, or the owner’s immediate family will occupy the unit, and no substantially equivalent unit is vacant and available in the same building and gives the tenant written notice at least 90 days prior to the end of a rental period. Immediate family includes the owner’s spouse or the owner’s domestic partner, and the parents, grandparents, children, brothers and sisters of the owner, the owner’s spouse or the owner’s domestic partner. If the owner gives this reason to terminate a tenancy and then fails to carry it out, he or she may be subject to a civil penalty of up to \$2,500. A tenant whose tenancy is terminated for this reason has a private right of action if he or she feels an owner has failed to comply with these requirements.
9. The owner wishes to terminate the tenancy of a tenant who lives in the same housing unit with the owner; or the owner desires to stop sharing his or her house with a tenant living in an approved accessory dwelling unit (ADU) in an owner-occupied house.
10. The tenant’s occupancy is conditioned upon employment on the property and the employment relationship is terminated.
11. The owner plans major rehabilitation that requires a permit and demonstrates that the work cannot be done with a tenant in occupancy. In addition, the owner must comply with the requirements of the Tenant Relocation Assistance Ordinance. (See below for more information.) If the owner gives major rehabilitation as the reason to terminate a tenancy and then fails to carry it out, he or she may be subject to a civil penalty of up to \$2,500. A tenant whose tenancy is terminated for this reason has a private right of action if he or she feels an owner has failed to comply with these requirements.
12. The owner decides to convert the building to a cooperative or condominium. (See page 6 for information on the Condominium and Cooperative Conversion Ordinances.)
13. The owner decides to demolish a building or to convert it to non-residential use. The owner must first comply with the requirements of the Tenant Relocation Assistance Ordinance (see page 5) and obtain a necessary permit.
14. The owner desires to sell a single family residence and gives the tenant written notice at least 90 days prior to the end of a rental period. The owner must list the property for sale at a reasonable price in a newspaper or with a realty agency within 30 days after the date the tenant vacates. Property owners may be required to sign a certification of the intent to sell the house if SDCI receives a complaint. There is a rebuttable presumption of an ordinance violation if the unit is not listed or advertised, or is taken off the market or re-rented within 90 days after the tenant leaves. A tenant whose tenancy is terminated for this reason has a private right of action if he or she feels an owner has failed to comply with these requirements.
15. The owner plans to discontinue the use of a housing unit which is not authorized by the Land Use Code, after receiving a Notice of Violation. The owner must pay relocation assistance to the tenants of each such unit at least two weeks prior

to the date the tenant is to vacate. Low-income tenants must be paid \$2,000 relocation assistance; other tenants must be paid relocation assistance equal to two months' rent.

16. The owner needs to reduce the number of tenants sharing a dwelling unit in order to comply with Land Use Code restrictions (i.e., no more than 8 people per dwelling unit if any are unrelated).
17. The owner decides to terminate the tenancy of a tenant from a house containing an approved ADU in order to comply with the development standards for ADUs, after receiving a Notice of Violation of the Land Use Code. (If the violation is that the owner has moved out of the house and has rented both units, one unit must either be reoccupied by the owner or be removed.) The owner must pay relocation assistance to displaced tenants in the amount of \$2,000 for low-income tenants, or two months' rent in other cases. SDCI may require a property owner to sign a certification of his or her intent to discontinue the use of the ADU.
18. An Emergency Order to vacate the property has been issued by SDCI and the tenants have failed to vacate by the deadline given in the Order.

Failure to follow through with stated cause: If an owner terminates a tenancy for the reason that (1) sale of a single family residence is planned, (2) the owner or a family member is to move in, (3) substantial rehabilitation is planned, (4) the number of residents must be reduced to eight, or (5) the owner is discontinuing an ADU after receipt of a notice of violation, and the owner fails to carry out the stated reason for eviction, he or she may be subject to enforcement action by the City and a civil penalty of up to \$2,500.

Private right of action for tenants: If an owner terminates a tenancy because (1) sale of a single family residence is planned, (2) the owner or a family member is to move in, or (3) substantial rehabilitation is planned, and if the owner fails to carry out the stated reason for eviction, the tenant can sue the owner for up to \$3,000, costs, and reasonable attorney's fees.

Unless otherwise noted above, a termination of tenancy notice must be given at least 20 days prior to the start of the next rental period and must state the reason for termination in writing. Only those reasons listed above are lawful causes for terminating month-to-month tenancies in Seattle. For the complete text of the Just Cause Eviction Ordinance, go to the City of Seattle's, City Clerks website and click on Seattle Municipal. Call up section 22.206.160. For more information, call SDCI Property Owner and Tenant Assistance at (206) 615-0808.

Please note, under state law tenants wishing to terminate month-to-month tenancies must also follow proper notice procedures, notifying the owner or manager in writing at least 20 days before the start of the next rental period.

Enforcement of the Just Cause Eviction Ordinance

SDCI Code Compliance staff will investigate complaints of an illegal termination of tenancy. If a complaint is determined to be valid, the department will inform the landlord of the requirements of the Ordinance and will issue a Notice of Violation should the landlord refuse to rescind the termination notice. If the landlord fails to rescind the notice within the compliance period given in the Notice of Violation, the case will be referred to the City Attorney's Office. A landlord found to have illegally terminated a tenancy can be penalized by a civil fine of \$150.00 per day per housing unit from the date the violation begins for the first 10 days of non-compliance and \$500.00 per day per housing unit thereafter.

Within 10 days of receiving a Just Cause Eviction Ordinance Notice of Violation, a landlord or other affected party may request an administrative review by a SDCI representative. SDCI will notify the requester within 7 days of receipt of the request for review. The requestor will have 15 days from the receipt of this confirmation to submit additional information to SDCI. Following the review, the SDCI representative may sustain, modify, or withdraw the Notice of Violation. A written decision will be sent to the requestor within 15 days of the decision being made.

Records a property owner should keep

Owners are advised to maintain the following records to support a case for terminating a tenancy:

1. A specific written rental agreement, with rules that apply equally to all tenants, and a unit condition checklist;
2. Records of rental payments;
3. Copies of notices given to tenants, with evidence that all legally required notices were properly served; and
4. Any information or documentation to support a termination of tenancy, such as police incident reports or complaints from neighbors.

Notices for termination of tenancy must specifically state the reasons for the termination. For example, a notice for habitual late payment of rent could state:

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Multifamily Property Programs (Tate) (20 Minutes (6:55 p.m.))

Date:

April 15, 2019

Department:

Community Development

Attachments:

[Memo to Council - Multifamily Programs](#)

[Exhibit A - Auburn City Code Chapter 5.22](#)

[Exhibit B - RCW 59.18.125](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For Discussion only.

Background Summary:

An overview of City administered multifamily programs and inspection programs in other cities.

Multifamily housing programs designed to maintain both exterior and interior conditions vary greatly throughout Washington State. Cities have the authority to adopt a variety of laws and/or implement programs where the objective is to establish a minimum set of property standards as well as housing and living conditions. Attached to this agenda bill is a memo that provides an overview of programs that are already in place in Auburn as well as programs that are in place in other cities.

Reviewed by Council Committees:

Councilmember: Trout-Manuel

Staff: Tate

Meeting Date: April 22, 2019

Item Number:



Memorandum

To: City Council Members
From: Jeff Tate, Director of Community Development
CC: Mayor Nancy Backus
Date: April 8, 2019
Re: Multifamily Property Programs and Inspections

Multifamily Profile of Auburn

In Auburn there are approximately 460 properties that qualify as Multifamily properties. Multifamily includes communal residence, duplex, triplex, fourplex and larger complexes. The breakdown of these types of properties are as follows:

- Duplex – 151
- Triplex – 17
- Fourplex – 136
- Apartments – 125
- Communal Residences – 30

The 460 multifamily properties provide approximately 12,000 dwelling units. This represents approximately 28% of the total number of dwelling units within the City (43,000 dwelling units of which 31,000 are single family and 12,000 are multifamily)¹.

While not multifamily, it is worth noting that there are 552 single family homes that currently hold a rental housing license. It is likely that there are more single family homes that are being rented due to the fact that many landlords are not aware of the requirement to obtain a City of Auburn rental housing license.

Multifamily Programs in Auburn

The City of Auburn has established multiple laws and programs that regulate multifamily properties and that are designed to establish minimum standards for property maintenance, housing condition/quality, and that ensure the City is actively engaged with multifamily property owners and managers. Those laws and programs are as follows:

Rental Housing Licensing

¹ Mobile Home Parks may be reflected in either the single family category or the rental category, but not both. This is because some mobile home parks operate under a model where homes are individually owned and spaces leased, while other parks have ownership of the individual homes that they then rent to a tenant.

In 2002 City Council adopted Chapter 5.22 of the Auburn City Code entitled “Rental Housing Business License and Strategies.” This code established the requirement for all owners of rental housing to obtain a rental housing license. The code also establishes a number of features and requirements (the full text of Chapter 5.22 is attached as Exhibit A):

- ACC 5.22.020 – A fee structure: owners of between 1 and 4 rental dwelling units pay \$53 per year; owners of between 5 and 25 units pay \$106 per year; and owners of more than 25 units pay \$212 per year.
- ACC 5.22.030 – The option for the Mayor to create a Rental Housing Advisory Board. From its inception in 2002 this Board has never been established. Mayor Backus has asked City staff to work towards establishing this Board in 2019.
- ACC 5.22.040 – Rental housing business license criteria which allows the City to require property owners to engage with Police and Code Enforcement in order to develop and implement strategies focused on reducing crime. This section of code also provides the City with the authority to inspect residential units of rental housing if the owner fails to meet the criteria established in this section. This section of code lays out a progressive series of actions that serves as the “playbook” that City staff utilizes when engaging multifamily property owners.
- ACC 5.22.050 – Rental housing criteria that is intended to preclude discriminatory practices when screening potential tenants.
- ACC 5.22.060 – License approval and disapproval procedures.
- ACC 5.22.080 – License revocation procedures.
- ACC 5.22.110 – Reimbursement for transitional costs. This section of code requires the property owner to incur tenant relocation costs in the event that the City closes a rental housing property due to the failure to comply with criminal codes or any health, fire, housing or life-safety code.

Auburn Police Department Community Response Team (CRT)

The City of Auburn Police Department CRT Officers have a very strong working relationship with multifamily property owners and managers. Auburn PD believes that this relationship is essential to serving positive outcomes at multifamily properties. The CRT Officers are tasked with engaging owners and managers with the intent of fostering a good working relationship. While 911 offers a resource that can be used during a specific event, CRT Officers are able to focus on working through more persistent issues that may arise on an ongoing basis at a multifamily property. This could pertain to a specific tenant that is challenging the multifamily property owner and/or multifamily community, or consultations on how to create a safer multifamily community for the residents, or simply to put names and faces together.

Safe Auburn For Every Residence (SAFER)

ACC 5.22.040 allows the City to require a property owner or property manager to attend crime free housing training programs. The City requires all multifamily rental license holders to attend Multifamily Housing Manager Training. Training is offered 4 times per year and consists of a full 8 hour session that is hosted by the Auburn Police Department, City Code Enforcement staff, and representatives of the Valley Regional Fire Authority. Property owners or managers are required to attend this training in order to obtain and retain their rental housing license. Property owners/managers representing just over 425 multi-family properties have completed this training program.

The City has also established the SAFER program. After completing Multifamily Housing Manager Training, property owners may seek enrollment in the SAFER program. To be enrolled in the program a property owner allows the City to conduct a

full property inspection that includes an evaluation of all structures, stairways, landscaping, lighting, and a variety of other features. If a property passes all inspection points it is enrolled in the program. The owner is then provided with the SAFER certification which they can use in their marketing materials. Additionally, the City provides the owner with a framed certificate, window clings, pens, a mug, and several other items that are branded with the SAFER logo.

International Property Maintenance Code (IPMC)

City Council has adopted the IPMC as part of the City's building code. The IPMC establishes minimum standards for interior living conditions (plumbing, heating, ventilation, mold/mildew, moisture, pests) as well as the exterior conditions (landscaping, structural condition, on-site parking, walkways, and lighting) of a property.

Chapter 1.25 of the Auburn City Code provides City Code Enforcement Officers with the authority to enforce all elements of the IPMC. Laws established under Chapter 1.25, the IPMC, and the Rental Housing Business License program work in concert with each other. When a tenant, neighbor or property owner submits a complaint regarding either the property or living conditions of a multifamily property, the City will conduct an inspection of the property or dwelling unit and take appropriate enforcement action as necessary.

Other Cities

Tukwila

- The City requires a multifamily inspection once every four years.
- For properties that have 4 or fewer dwelling units the property owner may hire a private inspector or utilize a city inspector. For larger properties, a private inspector is a requirement.
- The City does not require that a property owner utilize an inspector from a pre-approved/pre-qualified list. However, the city has established a list of pre-approved/pre-qualified list that a property owner has the option to utilize in order to increase greater certainty of qualifications and familiarity with local requirements.
- The City requires that a property owner pass a rental property inspection in order to obtain their initial rental housing license.

Kent

- Just beginning a rental housing inspection program. As a result of public meetings in 2015/2016 where more than 200 attendees of a series of public meetings expressed concern over the declining quality and appearance of multifamily properties.
- In 2018 the Kent City Council adopted city code amendments that established a mandatory multifamily inspection program. Modeling their program after Lakewood and Bellingham.
- All rental properties must be registered but only multifamily properties must be inspected.
- They estimate 19,000 dwelling units citywide. Inspections will be conducted by third party inspectors. The city is not conducting inspections. The city is developing standards for inspectors to be placed on a "preferred inspector" list. Inspection required every 3 years.

Lakewood

- Lakewood established the Rental Housing Safety Program (RHSP) in order to ensure that residential rental housing meets specific health and safety standards and to promote compliance with these standards so that the health and safety of tenants are not jeopardized.
- City employs two multifamily inspectors. Property owners are provided with the option to either hire a third party inspector or they may utilize city inspection services. If a third party service is utilized, the private inspector must have passed the City's RHSP inspection training course and possess certain credentials.
- Inspection is required every 5 years. Anticipate 3,500 rental dwelling units which would result in approximately 700 inspections per year. Properties are selected on a lottery system in order to randomize chosen properties. Inspections are conducted for both single family and multifamily dwelling units.
- Within a multifamily property complex the number of dwelling units inspected is based on the categories established in RCW 59.18.125 (for properties with 20 or fewer dwelling units, no more than 4 units may be inspected; for properties with more than 20 dwelling units, no more than 20% of units may be inspected). Per the RCW, a local municipality can inspect more units if the initial inspections reveal compliance problems.
- The landlord must follow the Landlord Tenant Act when providing notice to individual tenants that an inspection of an individual unit will be scheduled. Tenants must comply with the inspection notice by providing access to their unit. Denying access will result in penalties as outlined in state law.
- Property owners must complete an inspection within 9 months of receiving notice from the City. Once a property passes inspection the City issues a Certificate of Compliance that is valid for 5 years.
- Lakewood makes information available to both property owners and tenants. Lakewood is clear to communicate that tenants are still required to follow steps outlined in the State's Landlord Tenant Act or the Manufactured/Mobile Home Tenant Act if they have concerns over unsafe living conditions.

Bellingham

- The City of Bellingham established a residential rental property program in March 2015. The program applies to single family homes and multifamily properties.
- Bellingham titled their ordinance "Ordinance Protecting Vulnerable Renters". Besides establishing a rental property registration and inspection program, Bellingham also established requirements related to source of income discrimination, 60 day notice requirements of rent increases, and 60 day notice requirements for notices to vacate.
- Inspections are required every 3 years. Owners have the option to use a City of Bellingham inspector or a pre-qualified private inspector selected from an approved private inspector list.
- Landlords are responsible for notifying tenants of individual unit inspections consistent with Landlord Tenant laws.

Others that have created registration/license and inspection programs

- Mount Vernon
- Mountlake Terrace
- Pasco
- Prosser
- Seattle
- Sunnyside
- Toppenish

State Laws

RCW 35A.82.020 authorizes cities to require business licenses of those who are in the business of renting residential property. The City of Auburn established a rental housing business license requirement in 2002.

In 2010 the Washington State Legislature authorized local municipalities to establish rental inspection programs (RCW 59.18.125). A copy of RCW 59.18.125 is attached as Exhibit B. The following are highlights of this legislation:

- Cities are allowed to establish a requirement that landlords must provide a certificate of inspection as a business license condition.
- A city may require inspections no more frequently than once every 3 years.
- If a program is adopted, Landlords are required to provide notification to their tenants that inspections of individual units may be required.
- For rental properties that have 20 or fewer units, the municipality is precluded from requiring more than 4 individual unit inspections.
- For rental properties that have 21 or more units, the municipality is precluded from requiring more than 20% of the individual units inspected, not to exceed 50 units.
- The municipality may demand a greater number of individual units to be inspected if any of the units fail the initial inspection.
- The program must allow for a property owner to have the option to hire a private inspector.

Chapter 5.22 RENTAL HOUSING BUSINESS LICENSE AND STRATEGIES

Sections:

- 5.22.010 Definitions.
- 5.22.020 Business license – Fee.
- 5.22.030 Advisory board on rental housing.
- 5.22.040 Rental housing business license criteria.
- 5.22.045 Additional rental housing business license criteria for multifamily dwelling units.
- 5.22.050 License application – Required – Form.
- 5.22.060 License application – Approval or disapproval procedure.
- 5.22.070 License – Display – Nontransferability – Responsibility.
- 5.22.080 License – Revocation.
- 5.22.090 Employment of law enforcement officers.
- 5.22.100 Duty to comply with all federal, state and local laws and regulations – Business license revocation.
- 5.22.110 Reimbursement for transitional costs.
- 5.22.120 Violation – Penalty.
- 5.22.130 Nonexclusive enforcement.

5.22.010 Definitions.

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

- A. "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) within the city of Auburn.
- B. "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.
- C. "Rental unit" means any dwelling unit 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.
- D. "Residential unit," as used in this chapter, means a building or portion of a building intended to be occupied by one family and containing sleeping, eating, cooking and sanitation facilities as required by this code.
- E. "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 up to 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; 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.
- F. "Ongoing nuisance 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 up to 10 rental units, is the location for three or more nuisance activities, as defined by 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 nuisance activities, as defined by the Auburn City Code, as a result of three or more separate factual incidents that have been independently investigated by any law enforcement agency.

G. "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. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.020 Business license – Fee.

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

A. The fee for a rental housing business license 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 or portion thereof during which the applicant has engaged in business, regardless of when during the calendar year the license is obtained.

C. The rental housing business license fee required by this chapter is in lieu of, and not in addition to, the general business license fee required by Chapters [5.10](#) and [5.15](#) ACC; provided, however, that any person required to obtain a rental housing business license must also obtain a general business license, at no cost, pursuant to Chapters [5.10](#) and [5.15](#) ACC. (Ord. 6477 § 1, 2013; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.030 Advisory board on rental housing.

There is hereby established as 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 and other interested persons, appointed by the mayor to serve on an as-needed basis. The police chief 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:

A. Facilitate cooperation and coordination with the city police 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 and police sponsored training;

D. Develop networking and strategies for city police to deal with rental housing issues and develop partnership and support programs, educational programs, consistent crime-free approaches, "no-tolerance for crime," property protection and preparation programs;

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 police and rental housing operators by teaching methods for recognizing illegal activity, identifying and reporting crimes, knowing police functions and roles, exchanging information with police and other agencies and by using any other reasonable method;

I. Develop linkages to other agencies and resources, including the fire department, HUD and Section 8 Programs, Safe Streets, Neighborhood Watch, etc.;

J. 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;

K. 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;

L. Act as liaison between the rental housing community and the police department whenever possible;

M. 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

N. Participate in such other and related roles and functions as requested by the city. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.040 Rental housing business license criteria.

A. Managers and operators of rental housing businesses shall comply with the criteria 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 city shall identify and communicate with the managers and operators of rental housing businesses, as it deems appropriate, regarding the criteria established in this chapter. The city shall establish forums for information sharing and enforcement review, as it deems appropriate, in order to encourage voluntary compliance with these criteria prior to mandatory enforcement. Rental housing business owners or their non-owner managers shall comply as necessary with the following specific criteria as well as all other requirements of this chapter in order to maintain their business license in good standing:

1. Attendance and participation in crime-free housing training programs when such are offered by the Auburn police department or other city department and the license holder is given written notice to attend. Attendance and participation may be required by the city whenever a residential unit is the location for any criminal or nuisance activity which results in an arrest for criminal activity or the issuance of an infraction citation in the case of a nuisance, whether or not the arrestee or cited person is a tenant;
2. Mutually derived crime prevention strategies as established and agreed to by and between the city and the rental housing owner and/or manager;
3. City Directed Crime Prevention Strategies. If the implementation of criteria in subsections (A)(1) and (2) of this section is unsuccessful in eliminating recurring criminal or nuisance activity the city will notify the rental housing business owner or manager in writing of the requirement to comply with a particular city directed

crime prevention strategy. The city may implement a city directed crime prevention strategy whenever a residential unit is the location for any criminal or nuisance activity 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;

4. Upon written request, the rental housing owner or manager shall allow inspection of rental housing residential units consistent with 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;

5. In the event that recurring criminal or nuisance activity continues at any particular location which is subject to the licensing requirements of this chapter and the imposition of criteria in subsections (A)(1) through (4) of this section has failed to eliminate the recurring criminal or nuisance activity at the location, the rental housing owner may hire security officers selected by the manager-operator. Voluntary 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;

6. In the event that criminal or nuisance activity continues to occur at any particular location which is subject to the licensing requirements of this chapter and the imposition of criteria in subsections (A)(1) through (4) of this section and implementation of criteria in subsection (A)(5) of this section has failed to eliminate recurring criminal or nuisance activity at the particular location the rental housing owner may request or agree to city directed off-duty police security. Voluntary implementation of city directed off-duty police security shall stay revocation of the business license so long as the security is effective in eliminating ongoing criminal and/or nuisance activity at the particular licensed location;

7. In the event that the rental housing business owner does not comply with criteria in subsections (A)(1) through (6) 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.

B. The criteria listed above shall be implemented in a priority beginning with criteria in subsection (A)(1) of this section and ending with criteria in subsection (A)(7) of this section. It is envisioned that most problems can be resolved by participation in crime-free housing training and implementation of its recommended practices. Failure to participate in strategies in subsections (A)(1) through (6) of this section may subject the licensed/registered party to revocation. Any expense incurred in connection with subsections (A)(2) through (5) of 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 (A)(4) 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.

C. 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 (C)(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. That adequate off-street parking will be provided for all tenants meeting the requirements of ACC [18.31.130](#).
 - e. That noise and other public nuisances, see ACC Title [8](#), will be monitored and controlled.
 - f. That annual inspections are required in order to obtain a rental housing business license.
 - g. That anyone under the age of 18 is subject to the curfew regulations in Chapter [9.10](#) ACC.
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. 6477 § 2, 2013; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.045 Additional rental housing business license criteria for multifamily dwelling units.

In addition to the business license criteria set forth in ACC [5.22.040](#), 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. 6652 § 1, 2017.)

5.22.050 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 business license clerk, as designated by the mayor. The application shall be a written statement upon a form provided by the business license clerk.

B. Whenever a license cannot be issued at the time the application for the same is made, the business license clerk 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 of the business license clerk 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. 5897 § 12, 2005; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.060 License application – Approval or disapproval procedure.

The business license clerk 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 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 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 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. 5897 § 13, 2005; Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.070 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. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.080 License – Revocation.

A. Any license issued under the provisions of this chapter may be revoked by the mayor or designee and/or police chief and/or building official and/or fire chief 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;

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 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. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.090 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. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

5.22.100 Duty to comply with all federal, state and local laws and regulations – Business license revocation.

All persons licensed pursuant to this chapter must comply with all federal, state and local laws and regulations which relate to or in any way affect the rental housing business, including all criminal laws for which the violation could negatively affect the tenants of rental housing units. Violation of this section shall constitute grounds for revocation of the business license. (Ord. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

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 re-open/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 police chief 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. 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 rental housing business license, as required by this chapter, is punishable in accordance with ACC [5.15.110](#). (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. 5882 § 1, 2005; Ord. 5651 § 1, 2002.)

The Auburn Municipal Code is current through Ordinance 6708, passed through December 17, 2018.

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

RCW 59.18.125**Inspections by local municipalities—Frequency—Number of rental properties inspected—Notice—Appeals—Penalties.**

(1) Local municipalities may require that landlords provide a certificate of inspection as a business license condition. A local municipality does not need to have a business license or registration program in order to require that landlords provide a certificate of inspection. A certificate of inspection does not preclude or limit inspections conducted pursuant to the tenant remedy as provided for in RCW **59.18.115**, at the request or consent of the tenant, or pursuant to a warrant.

(2) A qualified inspector who is conducting an inspection under this section may only investigate a rental property as needed to provide a certificate of inspection.

(3) A local municipality may only require a certificate of inspection on a rental property once every three years.

(4)(a) 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 under this section.

(b) 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 local municipality 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 by the local municipality.

(5) 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 local municipality. However, 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 local municipality officials. A copy of the notice must be provided to the inspector upon request on the day of inspection.

(6)(a) 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 local municipality 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) 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 local municipality 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.

(c) If a rental property 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 local municipality may require up to one hundred percent of the units on the rental property to provide a certificate of inspection.

(d) 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 local municipality may require one hundred percent of the units on the rental property to provide a certificate of inspection.

(e) If a rental property owner chooses to hire a qualified inspector other than a municipal housing 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 local municipality.

(7)(a) The landlord shall provide written notification of his or her intent to enter an individual unit for the purposes of providing a local municipality with 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.

(b) A tenant who continues to deny access to his or her unit is subject to RCW **59.18.150**(8).

(8) If a rental property owner does not agree with the findings of an inspection performed by a local municipality under this section, the local municipality shall offer an appeals process.

(9) A penalty for noncompliance under this section may be assessed by a local municipality. A local municipality may also notify the landlord that until a certificate of inspection is provided, it is unlawful to rent or to allow a tenant to continue to occupy the dwelling unit.

(10) 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 subsection (9) of this section, guilty of a gross misdemeanor and must be punished by a fine of not more than five thousand dollars.

(11) As of June 10, 2010, a local municipality may not enact an ordinance requiring a certificate of inspection unless the ordinance complies with this section. This prohibition does not preclude any amendments made to ordinances adopted before June 10, 2010.

[**2010 c 148 § 2.**]



AGENDA BILL APPROVAL FORM

Agenda Subject:

Matrix

Date:

April 17, 2019

Department:

City Council

Attachments:

[Special Focus Area Key](#)

[Matrix](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Meeting Date: April 22, 2019

Staff:

Item Number:

SPECIAL FOCUS AREAS

COMMUNITY WELLNESS	FINANCE, TECHNOLOGY, & ECONOMIC DEVELOPMENT	PUBLIC WORKS & COMMUNITY DEVELOPMENT	MUNICIPAL SERVICES
PUBLIC HEALTH AND WELLNESS COMMUNITY & NEIGHBORHOOD SERVICES HOMELESSNESS & HOMELESSNESS PREVENTION HOUSING QUALITY, AFFORDABILITY & ATTAINABILITY HUMAN & SOCIAL SERVICES DOMESTIC VIOLENCE SERVICES COMMUNITY EQUITY	EQUIPMENT RENTAL FACILITIES INNOVATION & TECHNOLOGY CITY REAL PROPERTY BUSINESS DEVELOPMENT SISTER CITIES INTERNATIONAL	UTILITIES TRANSPORTATION SUSTAINABILITY ENVIRONMENTAL PROTECTION CULTURAL ARTS & PUBLIC ARTS PLANNING & ZONING PERMITS & DEVELOPMENT RIGHT OF WAY MANAGEMENT AIRPORT AIRPORT BUSINESS	POLICE SCORE JAIL DISTRICT COURT PARKS & RECREATION ANIMAL CONTROL SOLID WASTE EMERGENCY PLANNING MULTIMEDIA CEMETERY
Councilmember Trout-Manuel, Chair Councilmember DaCorsi, Vice Chair	Councilmember Wales, Chair Councilmember Holman, Vice Chair	Councilmember DaCorsi, Chair Councilmember Baggett, Vice Chair	Councilmember Brown, Chair Deputy Mayor Pelozo, Vice Chair
2019 MEETING DATES February 11, 2019 April 8, 2019 June 10, 2019 August 12, 2019 October 14, 2019 December 9, 2019	2019 MEETING DATES February 25, 2019 April 22, 2019 June 24, 2019 August 26, 2019 October 28, 2019 December 23, 2019	2019 MEETING DATES January 14, 2019 March 11, 2019 May 13, 2019 July 8, 2019 September 9, 2019 November 12, 2019	2019 MEETING DATES January 28, 2019 March 25, 2019 May 27, 2019 July 22, 2019 September 23, 2019 November 25, 2019

COUNCIL MATRIX

NO.	TOPIC	Chair	STAFF LEAD(S)	STUDY SESSION REVIEW DATE(S)	COUNCIL DISCUSSION SUMMARY	ACTION DATE
1	Auburn Avenue Theater	Chair DaCorsi Vice Chair Baggett	Director Faber	TBD		
2	Funding Options	Chair Wales Vice Chair Holman	Director Coleman	Ongoing		
3	Emergency Management Training	Chair Brown Vice Chair Deputy Mayor Pelosa	Director Hinman	5/28/2019		