

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 9, 2013

AGENDA ITEM: Rental Housing Inspection Program	AGENDA SECTION: New Business
PREPARED BY: Gloria Hirashima, Chief Administrative Officer	DIRECTOR APPROVAL:
ATTACHMENTS: 1. Engrossed Senate Bill 5105. 2. RCW 59.18.125 3. Mountlake Terrace Rental Housing Code	
	MAYOR CAO
BUDGET CODE:	AMOUNT: \$

DESCRIPTION:

In the 2013 legislative session the city of Marysville worked to pass legislation relating to housing conditions for registered sex offenders. The city was successful in working with legislators to pass some legislation relating to housing vouchers for criminal offenders. The legislation calls for the Department of Corrections to consider compatibility of the housing with the surrounding neighborhood and provides for city inspections where an inspection is required, as provided for in RCW 59.18.125.

RCW 59.18.125 allows local municipalities to require landlords provide a certificate of inspection as a business license condition. The City of Marysville does not currently require rental housing inspections. Passage of a rental housing inspection program would enable the inspections referenced in SB5105. Other cities such as Seattle, Pasco, and Mountlake Terrace have similar programs in existence. A city may identify the types of rental housing that will be subject to inspection.

The City of Mountlake Terrace’s rental housing code is attached as Exhibit 3. The City Attorney, Executive, Community Development and Fire staff have reviewed draft language based on this example, and believe that a similar model could be implemented in Marysville.

RECOMMENDED ACTION: Discussion, and direct staff to prepare an ordinance for rental housing inspections.
COUNCIL ACTION:

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5105

Chapter 266, Laws of 2013

63rd Legislature
2013 Regular Session

DEPARTMENT OF CORRECTIONS--OFFENDERS--RENTAL

EFFECTIVE DATE: 07/28/13

Passed by the Senate April 23, 2013
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 16, 2013
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 16, 2013, 2:05 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5105** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 17, 2013

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5105

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington **63rd Legislature** **2013 Regular Session**

By Senators Dammeier, Harper, Pearson, and Darneille

Read first time 01/18/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to conditions under which the department of
2 corrections provides rental vouchers to an offender; amending RCW
3 9.94A.729; and adding a new section to chapter 72.09 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended
6 to read as follows:

7 (1)(a) The term of the sentence of an offender committed to a
8 correctional facility operated by the department may be reduced by
9 earned release time in accordance with procedures that shall be
10 developed and adopted by the correctional agency having jurisdiction in
11 which the offender is confined. The earned release time shall be for
12 good behavior and good performance, as determined by the correctional
13 agency having jurisdiction. The correctional agency shall not credit
14 the offender with earned release credits in advance of the offender
15 actually earning the credits.

16 (b) Any program established pursuant to this section shall allow an
17 offender to earn early release credits for presentence incarceration.
18 If an offender is transferred from a county jail to the department, the
19 administrator of a county jail facility shall certify to the department

1 the amount of time spent in custody at the facility and the amount of
2 earned release time. The department may approve a jail certification
3 from a correctional agency that calculates earned release time based on
4 the actual amount of confinement time served by the offender before
5 sentencing when an erroneous calculation of confinement time served by
6 the offender before sentencing appears on the judgment and sentence.

7 (2) An offender who has been convicted of a felony committed after
8 July 23, 1995, that involves any applicable deadly weapon enhancements
9 under RCW 9.94A.533 (3) or (4), or both, shall not receive any good
10 time credits or earned release time for that portion of his or her
11 sentence that results from any deadly weapon enhancements.

12 (3) An offender may earn early release time as follows:

13 (a) In the case of an offender convicted of a serious violent
14 offense, or a sex offense that is a class A felony, committed on or
15 after July 1, 1990, and before July 1, 2003, the aggregate earned
16 release time may not exceed fifteen percent of the sentence.

17 (b) In the case of an offender convicted of a serious violent
18 offense, or a sex offense that is a class A felony, committed on or
19 after July 1, 2003, the aggregate earned release time may not exceed
20 ten percent of the sentence.

21 (c) An offender is qualified to earn up to fifty percent of
22 aggregate earned release time if he or she:

23 (i) Is not classified as an offender who is at a high risk to
24 reoffend as provided in subsection (4) of this section;

25 (ii) Is not confined pursuant to a sentence for:

26 (A) A sex offense;

27 (B) A violent offense;

28 (C) A crime against persons as defined in RCW 9.94A.411;

29 (D) A felony that is domestic violence as defined in RCW 10.99.020;

30 (E) A violation of RCW 9A.52.025 (residential burglary);

31 (F) A violation of, or an attempt, solicitation, or conspiracy to
32 violate, RCW 69.50.401 by manufacture or delivery or possession with
33 intent to deliver methamphetamine; or

34 (G) A violation of, or an attempt, solicitation, or conspiracy to
35 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

36 (iii) Has no prior conviction for the offenses listed in (c)(ii) of
37 this subsection;

1 (iv) Participates in programming or activities as directed by the
2 offender's individual reentry plan as provided under RCW 72.09.270 to
3 the extent that such programming or activities are made available by
4 the department; and

5 (v) Has not committed a new felony after July 22, 2007, while under
6 community custody.

7 (d) In no other case shall the aggregate earned release time exceed
8 one-third of the total sentence.

9 (4) The department shall perform a risk assessment of each offender
10 who may qualify for earned early release under subsection (3)(c) of
11 this section utilizing the risk assessment tool recommended by the
12 Washington state institute for public policy. Subsection (3)(c) of
13 this section does not apply to offenders convicted after July 1, 2010.

14 (5)(a) A person who is eligible for earned early release as
15 provided in this section and who will be supervised by the department
16 pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to
17 community custody in lieu of earned release time;

18 (b) The department shall, as a part of its program for release to
19 the community in lieu of earned release, require the offender to
20 propose a release plan that includes an approved residence and living
21 arrangement. All offenders with community custody terms eligible for
22 release to community custody in lieu of earned release shall provide an
23 approved residence and living arrangement prior to release to the
24 community;

25 (c) The department may deny transfer to community custody in lieu
26 of earned release time if the department determines an offender's
27 release plan, including proposed residence location and living
28 arrangements, may violate the conditions of the sentence or conditions
29 of supervision, place the offender at risk to violate the conditions of
30 the sentence, place the offender at risk to reoffend, or present a risk
31 to victim safety or community safety. The department's authority under
32 this section is independent of any court-ordered condition of sentence
33 or statutory provision regarding conditions for community custody;

34 (d) If the department is unable to approve the offender's release
35 plan, the department may do one or more of the following:

36 (i) Transfer an offender to partial confinement in lieu of earned
37 early release for a period not to exceed three months. The three

1 months in partial confinement is in addition to that portion of the
2 offender's term of confinement that may be served in partial
3 confinement as provided in RCW 9.94A.728(5);

4 (ii) Provide rental vouchers to the offender for a period not to
5 exceed three months if rental assistance will result in an approved
6 release plan. ((The))

7 A voucher must be provided in conjunction with additional
8 transition support programming or services that enable an offender to
9 participate in services including, but not limited to, substance abuse
10 treatment, mental health treatment, sex offender treatment, educational
11 programming, or employment programming;

12 (e) The department shall maintain a list of housing providers that
13 meets the requirements of section 2 of this act. If more than two
14 voucher recipients will be residing per dwelling unit, as defined in
15 RCW 59.18.030, rental vouchers for those recipients may only be paid to
16 a housing provider on the department's list;

17 (f) For each offender who is the recipient of a rental voucher, the
18 department shall ~~((include, — concurrent — with — the — data — that — the~~
19 ~~department — otherwise — obtains — and — records, — the — housing — status — of — the~~
20 ~~offender — for — the — duration — of — the — offender's — supervision))~~ gather data
21 as recommended by the Washington state institute for public policy in
22 order to best demonstrate whether rental vouchers are effective in
23 reducing recidivism.

24 (6) An offender serving a term of confinement imposed under RCW
25 9.94A.670(5)(a) is not eligible for earned release credits under this
26 section.

27 NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW
28 to read as follows:

29 (1) A housing provider may be placed on a list with the department
30 to receive rental vouchers under RCW 9.94A.729 in accordance with the
31 provisions of this section.

32 (2) For living environments with between four and eight beds, or a
33 greater number of individuals if permitted by local code, the
34 department shall provide transition support that verifies an offender
35 is participating in programming or services including, but not limited
36 to, substance abuse treatment, mental health treatment, sex offender
37 treatment, educational programming, development of positive living

1 skills, or employment programming. In addition, when selecting housing
2 providers, the department shall consider the compatibility of the
3 proposed offender housing with the surrounding neighborhood and
4 underlying zoning. The department shall adopt procedures to limit the
5 concentration of housing providers who provide housing to sex offenders
6 in a single neighborhood or area.

7 (3)(a) The department shall provide the local law and justice
8 council, county sheriff, or, if such housing is located within a city,
9 a city's chief law enforcement officer with notice anytime a housing
10 provider or new housing location requests to be or is added to the list
11 within that county.

12 (b) The county or city local government may provide the department
13 with a community impact statement which includes the number and
14 location of other special needs housing in the neighborhood and a
15 review of services and supports in the area to assist offenders in
16 their transition. If a community impact statement is provided to the
17 department within ten business days of the notice of a new housing
18 provider or housing location request, the department shall consider the
19 community impact statement in determining whether to add the provider
20 to the list and, if the provider is added, shall include the community
21 impact statement in the notice that a provider is added to the list
22 within that county.

23 (4) If a certificate of inspection, as provided in RCW 59.18.125,
24 is required by local regulation and the local government does not have
25 a current certificate of inspection on file, the local government shall
26 have ten business days from the later of (a) receipt of notice from the
27 department as provided in subsection (3) of this section; or (b) from
28 the date the local government is given access to the dwelling unit to
29 conduct an inspection or reinspection to issue a certificate. This
30 section is deemed satisfied if a local government does not issue a
31 timely certificate of inspection.

32 (5)(a) If, within ten business days of receipt of a notice from the
33 department of a new location or new housing provider, the county or
34 city determines that the housing is in a neighborhood with an existing
35 concentration of special needs housing, including but not limited to
36 offender reentry housing, retirement homes, assisted living, emergency
37 or transitional housing, or adult family homes, the county or city may

1 request that the department program administrator remove the new
2 location or new housing provider from the list.

3 (b) This subsection does not apply to housing providers approved by
4 the department to receive rental vouchers on the effective date of this
5 section.

6 (6) The county or city may at any time request a housing provider
7 be removed from the list if it provides information to the department
8 that:

9 (a) It has determined that the housing does not comply with state
10 and local fire and building codes or applicable zoning and development
11 regulations in effect at the time the housing provider first began
12 receiving housing vouchers; or

13 (b) The housing provider is not complying with the provisions of
14 this section.

15 (7) After receiving a request to remove a housing provider from the
16 county or city, the department shall immediately notify the provider of
17 the concerns and request that the provider demonstrate that it is in
18 compliance with the provisions of this section. If, after ten days'
19 written notice, the housing provider cannot demonstrate to the
20 department that it is in compliance with the reasons for the county's
21 or city's request for removal, the department shall remove the housing
22 provider from the list.

23 (8) A housing provider who provides housing pursuant to this
24 section is not liable for civil damages arising from the criminal
25 conduct of an offender to any greater extent than a regular tenant, and
26 no special duties are created under this section.

Passed by the Senate April 23, 2013.

Passed by the House April 16, 2013.

Approved by the Governor May 16, 2013.

Filed in Office of Secretary of State May 17, 2013.

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.]

Chapter 15.45

RESIDENTIAL RENTAL BUSINESS LICENSE AND INSPECTION PROGRAM¹

Sections:

15.45.010	Declaration of purpose.
15.45.020	Definitions.
15.45.030	Scope.
15.45.040	Residential rental housing business license required.
15.45.050	Inspection and certificate of compliance required.
15.45.060	Qualified rental housing inspector registration.
15.45.070	Director to make rules.
15.45.080	License denial, suspension, or revocation.
15.45.090	Appeal.
15.45.100	Immediate health and safety threats.
15.45.110	No warranty by City.
15.45.120	Transferability.
15.45.130	Penalties.

15.45.010 Declaration of purpose.

The City of Mountlake Terrace finds that establishment of a residential rental business license and inspection program will protect the public health, safety, and welfare of tenants by encouraging the proper maintenance of residential rental housing, by identifying and requiring correction of substandard housing conditions, and by preventing conditions of deterioration and blight that could adversely impact the quality of life in Mountlake Terrace. (Ord. 2539 § 1, 2010).

15.45.020 Definitions.

For purposes of this chapter, the following words or phrases have the meaning prescribed below:

“Accessory dwelling unit” or “ADU” means a housing unit that is accessory to a single-household dwelling and meets the requirements of MTMC [19.30.050](#) for accessory dwellings.

“Certificate of compliance” means the document signed and dated by a qualified rental housing inspector and submitted to the City as the result of an inspection conducted by a qualified rental housing inspector that certifies that the residential housing units that were inspected comply with the requirements of the City’s housing code listed in MTMC [15.45.050\(A\)](#) and are not in a condition that endangers or impairs or could endanger or impair the health and safety of a tenant.

“Department” means the Community and Economic Development Department or its assigns.

“Director” means the Director of the Community and Economic Development Department or its assigns.

“Housing code” means the Uniform Housing Code (or “housing code”) as identified in MTMC [15.05.110](#).

“Mobile home” means a mobile home or a manufactured home as defined in Chapter 59.20 RCW.

“Owner” means any person who, alone or with others, has title or interest in any building, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

“Qualified rental housing inspector” means:

1. A City building inspector or building official; or
2. A private inspector contracted by the City and registered with the City as a qualified rental housing inspector pursuant to MTMC [15.45.050](#) and who possesses at least one of the following credentials:
 - a. American Association of Code Enforcement Property Maintenance and Housing Inspector certification;
 - b. International Code Council Property Maintenance and Housing Inspector certification;
 - c. International Code Council Residential Building Code Inspector;
 - d. Washington State licensed home inspector; or
 - e. Other acceptable credential the Director establishes by rule.

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

“Residential housing unit” means any structure or part of a structure in the City of Mountlake Terrace that is used or may be used as a home, residence or sleeping place by one or more persons, including but not limited to single-family residences, duplexes, tri-plexes, four-plexes, multifamily dwellings, apartment buildings, condominiums, and similar living accommodations.

“Residential rental business license” means a license issued under this chapter.

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

“Tenant” means a person occupying or holding possession of a building or premises pursuant to a rental agreement.

“Transitional housing” means residential housing units owned, operated, or managed by a nonprofit agency or governmental entity in which supportive services are provided to individuals or families that

were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months.

“Unit unavailable for rent” means a residential housing unit that is not offered or available for rent as a rental unit, and that prior to offering or making the unit available as a rental unit, the owner is required to obtain a residential rental business license for the building in which the unit is located and comply with applicable administrative regulations adopted pursuant to this chapter. (Ord. 2539 § 1, 2010).

15.45.030 Scope.

The provisions of this chapter apply to all residential housing units, with the exception of:

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

1. That receive funding or subsidies from the federal, state or a local government;
2. That are inspected at least every three years as a requirement of the funding or subsidy;
3. That provide a copy of the inspection to the Department; and
4. For which the Director determines that the inspection is substantially equivalent to the inspection required by this chapter;

- H. Mobile homes or manufactured homes, both as defined in Chapter 59.20 RCW;
- I. Accessory dwelling units;
- J. Shelters and transitional housing. (Ord. 2539 § 1, 2010).

15.45.040 Residential rental housing business license required.

A. Beginning January 1, 2012, no person shall make available for rent, or rent, lease, or let, to the public any residential housing unit without obtaining and holding a current residential rental business license for the building in which the residential unit is located.

B. The fee for a residential rental business license shall be set by Council by resolution in an amount sufficient only to recover the cost of carrying out the provisions of this chapter. The fees collected shall be allocated only to that purpose.

C. A residential rental business license expires on December 31st of each year.

D. The residential rental business license is personal and nontransferable except as provided in MTMC [15.45.120](#).

E. Application. Application for a residential rental business license shall be made to the Department on forms provided by the Department. The application shall list and identify by address the building and each of the residential housing units that the applicant intends to make available for rent, or rent, lease, or let, to the public prior to the expiration of the applicant's residential rental business license and shall include the fee due for the license.

F. Renewal. A residential rental business license may be renewed by paying the license fee for the ensuing year on or before the date of the expiration of the current license, submitting a renewal application updating the information contained in the original application, and submitting a certificate of compliance dated within three years and 90 days of the date of the application for renewal, unless the Department has required a more recent certificate of compliance pursuant to subsection G of this section, in which case the more recent certificate of compliance shall be submitted. Any licensee who fails to pay the renewal license fee on or prior to the expiration date of the business license shall be subject to penalties in the following amounts:

1. One hundred dollars if not received on or before the last day of the month following the expiration date.
2. Two hundred dollars if not received on or before the last day of the second month following the expiration date.

G. Display of Business License and Certificate of Compliance. The residential rental business license and certificate of compliance shall be conveyed or displayed as follows; provided, that the Director may by rule establish one or more alternative methods for conveying the information to tenants of residential housing units:

1. For the rental of any single-family dwelling, as defined in the residential code pursuant to MTMC [15.05.060](#), a copy of the current residential business license and the most recent certificate of compliance shall be provided to the tenant at the time a rental agreement is executed; provided, that if the rental agreement has been executed prior to January 1, 2012, a

copy of the current residential business license and the most recent certificate of compliance shall be provided to the tenant within 30 days after issuance.

2. For the rental of housing units in any multifamily building, as defined in the building code pursuant to MTMC [15.05.040](#), a copy of the current residential rental business license and the most recent certificate of compliance shall be posted and remain posted in a common area in the building that is readily visible to all tenants. (Ord. 2539 § 1, 2010).

15.45.050 Inspection and certificate of compliance required.

A. As a condition to the issuance or renewal of a residential rental business license, an applicant shall provide a valid certificate of compliance stating that the applicant's residential housing units that were inspected comply with the requirements of the housing code listed in this subsection, and that there are no conditions in those units that endanger or impair or could endanger or impair the health or safety of a tenant. A qualified rental housing inspector inspecting a rental unit for a certificate of compliance under this chapter shall inspect for and certify compliance with the following requirements of the housing code:

1. The minimum floor area standards for a habitable room as contained in the housing code identified in MTMC [15.05.110](#);
2. The minimum sanitation standards as contained in the housing code adopted pursuant to MTMC [15.05.110](#);
3. The minimum structural standards as contained in the housing code adopted pursuant to MTMC [15.05.110](#);
4. The occupancy standards as contained in the housing code adopted pursuant to MTMC [15.05.110](#);
5. The minimum heating standards as contained in the housing code adopted pursuant to MTMC [15.05.110](#);
6. The minimum ventilation standards as contained in the housing code adopted pursuant to MTMC [15.05.110](#);
7. The minimum electrical standards as contained in the housing code adopted pursuant to MTMC [15.05.110](#);
8. The minimum standards for emergency escape window and doors as contained in the housing code adopted pursuant to MTMC [15.05.110](#);
9. The requirements for garbage, recyclables, and debris removal as contained in MTMC [13.10.040](#); and

10. The requirement to provide and test smoke detectors as contained in the applicable code adopted pursuant to MTMC [15.05.040](#) or [15.05.060](#).

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

C. The certificate of compliance shall include, but not be limited to, the following:

1. List and show compliance with the standards contained in subsection A of this section for each residential housing unit that was inspected;
2. State the date of the inspection and the name and address of the qualified rental housing inspector who performed the inspection; and
3. State the name, address and phone number of the building's owner/licensee or the agent designated by the owner/licensee.

D. Inspection of Units for Certificate of Compliance.

1. In buildings that contain more than one rental unit, an applicant may choose to have all of the rental units inspected or, if the building has not had conditions reported to the Department that endanger or impair the health or safety of a tenant since the last inspection required by this chapter, the applicant may choose to have only a sample of the rental units inspected. If the applicant chooses to have only a sample of the rental units inspected:

- a. If the building contains 10 or fewer rental units, no more than two rental units are required to be inspected;
- b. If the building contains more than 10 rental units, no more than 20 percent of the rental units are required to be inspected, up to a maximum of 30 rental units in each building;
- c. The Department will randomly select the units to be inspected.

2. If an applicant chooses sampling and a rental unit randomly selected by the Department fails the inspection, the Department may require that 100 percent of the rental units be inspected.

E. Notice to Tenants.

1. Before the Department selects the rental units to be inspected or, if all of the units are to be inspected, before the inspection, the landlord shall provide at least two days' advance written notice to all rental units in the building advising tenants:

- a. That some or all of the rental units will be inspected;

- b. That an inspector intends to enter the rental unit for purposes of performing the inspection;
- c. Of the date and approximate time of the proposed inspection and the name of the company or person performing the inspection;
- d. That the tenant has the right to see the inspector's identification before the inspector enters the rental unit;
- e. That a tenant whose rental unit needs repairs or maintenance should send a written notice to the landlord or the person who collects the rent specifying the address of the rental unit, the name of the owner, if known, and the defective condition, repair or maintenance that is needed;
- f. That if the landlord fails to adequately respond to the request for repairs or maintenance, the tenant may contact the Department about the conditions without reprisal; and
- g. The address at which the tenant may contact the Department.

2. Upon request the landlord shall provide a copy of the notice to the inspector on the day of the inspection.

F. A certificate of compliance is valid and may be used for license applications and renewals under this chapter for a period of three years and 90 days from the date it is issued, unless the Department determines that violations of the Housing Code exist for any units listed in the certificate of compliance. If the Department determines that violations of the housing code exist in any of the units listed in a certificate of compliance, the applicant may be required to obtain an inspection and submit a new certificate of compliance with the annual application for license renewal for the subsequent two years for those units for which violations were found.

G. Other Inspections. Nothing in this section precludes additional inspections conducted at the request or consent of a tenant, pursuant to a warrant, or pursuant to the tenant remedy provided by RCW 59.18.115 of the Residential Landlord-Tenant Act. (Ord. 2539 § 1, 2010).

15.45.060 Qualified rental housing inspector registration.

A. To register as a qualified rental housing inspector (RHI), each applicant, unless currently employed as the City's building inspector or building official, shall:

1. Pay to the City the annual registration fee set by the City Council in a fee schedule resolution;
2. Successfully complete an RHI examination administered or approved by the Director. Each applicant for the exam shall pay to the City an examination fee to be set by the Director at an amount that will fund the cost of administering and grading the examination; and

3. Provide evidence to the Department that the applicant possesses a current City business license issued pursuant to Chapter [5.05](#) MTMC and that the applicant has successfully completed the RHI examination within the last two years.

B. Expiration of Registration. All RHI registrations automatically expire on October 31st of each year and must be renewed pursuant to the provisions of subsection C of this section.

C. Renewal of Registration. In order to renew a registration, the RHI shall:

1. Pay the renewal fee set by the City Council in a fee schedule resolution.
2. Provide proof of compliance with the requirements of subsections (A)(2) and (3) of this section.

D. Failure to Renew. An RHI who fails to renew its registration is prohibited from inspecting and certifying rental housing pursuant to this chapter until the RHI registers or renews pursuant to this section. (Ord. 2539 § 1, 2010).

15.45.070 Director to make rules.

The Director is authorized to adopt, publish and enforce rules and regulations consistent with this chapter for the purpose of carrying out the provisions of this chapter. (Ord. 2539 § 1, 2010).

15.45.080 License denial, suspension, or revocation.

A. A residential rental housing business license may be suspended, denied, or revoked by the Director based on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact;
2. The licensee has failed to comply with any of the provisions of this chapter;
3. The licensee is in default in any license or inspection fee due to the City under this chapter;
4. The licensee's continued operation of the rental housing unit for which the license was issued will result in a danger to the public health, safety, or welfare by reason of any of the following:

- a. The licensee or his/her/its employees or agents have been convicted of a crime which bears a direct relationship to the operation of a residential housing unit under the residential rental business license issued pursuant to this chapter;
- b. The licensee or his/her/its agent or employees have in the operation of the rental housing unit violated any law or regulation relating to public health or safety.

B. If an application for a residential rental housing business license is denied, or a residential rental housing license is suspended or revoked, no reapplication for that license will be considered by the

Director until correction of any and all deficiencies on which the denial, suspension, or revocation was based.

C. If an application for a license renewal is denied, no application for a license or a license renewal will be considered by the Director until any and all deficiencies on which the refusal to renew was based have been corrected. (Ord. 2539 § 1, 2010).

15.45.090 Appeal.

A. Upon notice of denial, suspension, or revocation of a residential rental housing license, the owner may appeal by filing a notice of appeal, specifying the particular reason(s) upon which the appeal is based, with the City Clerk within 10 calendar days of the date of the notice of denial, suspension, or revocation.

B. Upon timely filing of a notice of appeal and payment of an appeal filing fee, which shall be set by resolution, the City Clerk or his/her designee shall schedule a hearing on the appeal before a Hearing Examiner. The hearing shall be conducted no later than 45 business days from the date of the notice of appeal, unless an extension is agreed to by the appellant, or otherwise ordered by the Hearing Examiner for good cause shown.

C. Within 14 business days (excluding holidays recognized by the City of Mountlake Terrace) from the date of the hearing on an appeal under this section, the Hearing Examiner shall issue a written decision, which shall set forth the reasons therefor.

D. A decision of the Hearing Examiner to reject an appeal as untimely shall be final unless an application for a writ of review is filed with the Snohomish County Superior Court and properly served upon the City within 14 calendar days of the date of the Hearing Examiner's decision. (Ord. 2539 § 1, 2010).

15.45.100 Immediate health and safety threats.

Nothing in this chapter shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat. (Ord. 2539 § 1, 2010).

15.45.110 No warranty by City.

By enacting and undertaking to enforce this chapter, neither the City, its agents or employees, nor the City Council warrant or guarantee the safety, fitness or suitability of any dwelling in the City or any unit inspected under this program. Owners and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety and welfare. (Ord. 2539 § 1, 2010).

15.45.120 Transferability.

A license is not transferable; provided, that the Director may authorize transfer where no previously unlicensed person acquires a license thereby and if, in the judgment of the Director, transferal is consistent with the purposes of this chapter. (Ord. 2539 § 1, 2010).

15.45.130 Penalties.

A. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter or any rules or regulations adopted by the Director pursuant to this chapter may be punished by a penalty of \$150.00 per day for the first 10 days that the violation or failure to comply exists and \$500.00 per day for each day thereafter. Each person is guilty of a separate violation for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person.

B. 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 compliance is issued, in addition to the penalties provided in subsection A of this section shall be subject to a penalty of \$1,000.

C. For any rental unit that fails the inspection for the certificate of compliance under this chapter, the Department may issue a notice of violation and subject the violator to the penalties imposed or remedies available under the provisions of the housing code. (Ord. 2539 § 1, 2010).

1

Code reviser's note: Section 1 of Ord. 2539 provides that Chapter [15.45](#) MTMC will be effective January 1, 2012.