

Code Compliance

— guidelines on Seattle regulations governing safety and quality of life

Seattle Laws Regarding Building Maintenance and Repair

Updated July 11, 2016

The Seattle Department of Construction and Inspections (SDCI) administers and enforces Seattle's *Housing and Building Maintenance Code* (SMC 22.200 - 22.208) and several other city ordinances affecting landlords and tenants. Members of SDCI's Code Compliance staff are available to assist tenants and owners in understanding City code requirements.

This Tip is a general guide to the rights and responsibilities of Seattle tenants and rental property owners under city laws. For specific information on the *Housing and Building Maintenance Code* (HBMC) or *Rental Registration and Inspection Ordinance* (RRIO) contact:

**Seattle Department of Construction and Inspections
Code Compliance Division**
(206) 615-0808

Location: 19th Floor, Seattle Municipal Tower
Mailing Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

The *Washington State Residential Landlord/Tenant Act* (Chapter 59.18 RCW) also establishes rights and responsibilities for tenants and landlords. For further information about state law, contact one of the organizations listed at the end of this publication or go to <http://apps.leg.wa.gov/RCW/> and type in RCW 59.18.

What the City requires of rental property owners

Under the HBMC, building owners in Seattle have an obligation to provide safe, clean, secure living conditions. Generally, owners have the responsibility to:

- Keep the premises fit for human habitation and keep any common areas reasonably clean and safe
- Provide for control of insects, rodents and other pests
- Maintain all structural components (roof, walls and foundation) and keep the unit weathertight
- Maintain all electrical, plumbing, heating and other equipment and appliances supplied by the owner
- Provide adequate containers for garbage
- When responsible for heating rental units, maintain daytime (7:00 a.m. to 10:30 p.m.) temperatures at no less than 68 degrees Fahrenheit and nighttime temperatures at no less than 58 degrees Fahrenheit from September through June
- Change lock mechanisms and keys in non-transient accommodations upon change of tenancies, and provide unit and building entrance door keys to tenants
- Install smoke detectors and instruct tenants as to their operation and maintenance

Owners are not responsible for cosmetic repairs such as new carpeting and a fresh coat of paint after each tenancy. Code Compliance staff can answer questions about whether a property owner is responsible for a particular repair. Call (206) 615-0808 for more information.

Under RRIO, property owners in Seattle must provide safe housing that meets basic requirements as determined by the RRIO Checklist and:

- Register properties that are rented for residential use every five years (see Tip 620, *Registering Your Rental Property*)
- Starting in 2015, pass a RRIO inspection at least once every ten years (see Tip 620, *Registering Your Rental Property*)

Definition of Tenant

With the exception of the Tenant Relocation Assistance Ordinance, a tenant is defined as a person occupying or holding possession of a building or premises pursuant to a rental agreement. This includes residents of transient



lodgings who remain in residence for one month or longer. A rental agreement may be oral or in writing.

Obligations of tenants

Tenants must meet an owner's reasonable expectations to maintain rental housing in a safe, clean manner, normal wear and tear excepted. Tenant responsibilities include:

- Proper disposal of garbage
- Care in use of electrical and plumbing fixtures
- Promptly repair of any damages caused by tenants or their guests
- The granting of reasonable access to the owner for maintenance, repair and pest control; as well as access to an inspector to complete a RRIO inspection
- Maintaining smoke detectors in good working order
- Refraining from storing hazardous materials on the premises

Available remedies if repairs are needed

Tenants may take the following actions if repairs are needed:

- 1. Contact the owner.** A telephone call or letter is usually the way most tenants and owners resolve any problems. In most cases this will resolve the problem, but a written request for repairs is often required by law before tenants can exercise any other remedy. Remember to keep copies of all correspondence.
- 2. Report the problem to SDCI.** If the owner or manager does not make the repair in a reasonable time, you may schedule an inspection by SDCI. If the condition is in violation of the HBMC or RRIO and the owner fails to fix the violation, the inspector will require the owner to take corrective action. See the next section for more details.
- 3. Use other remedies available including self-help repair, mediation, placing rent in escrow, and finally, moving out.** *The Washington State Residential Landlord/Tenant Act* (Chapter 59.18 RCW) has limited remedies for tenants in situations where building owners fail to make code-required repairs within a reasonable time of being notified of the need. You must be current in your rent and utilities to exercise these options. These remedies *may* involve some form of rent withholding or reduction. As a general rule, however, simply withholding rent is not a suitable remedy; in fact, a tenant may be evicted for failure to pay rent. State law has specific rules about making deductions from rent or paying rent into an escrow account. For information on this subject,

contact one of the tenants' assistance groups listed at the end of this publication.

Reporting a problem to SDCI

Tenants may report the problem to SDCI if the owner or manager does not make a repair in a reasonable time. Write, call or go in person to SDCI Code Compliance, located on the 19th floor of Seattle Municipal Tower at 700 Fifth Ave., Seattle, WA, 98104, (206) 615-0808.

- Call SDCI to report the problem if a property owner or manager does not respond to repair requests and a complaint seems to be the only alternative remaining. Your name will be kept confidential if you so request.
- Specify everything needing inspection and give the address of the building, including the unit number.
- Include a telephone number when asking SDCI for assistance so the department can call to arrange a time for an inspection. The person requesting assistance should be present during the inspection.
- If the inspector finds violations, the inspector will prepare a notice showing when the repairs must be made, notify the responsible party of the violation, and post the notice on the premises.
- The time for compliance is generally 30 to 60 days, depending upon the nature of the violations and any extensions the owner may receive. Forty-five days is the average time for compliance.
- If the owner does not make the required repairs, SDCI will follow up through court action to attempt to attain compliance.

Actions that are considered to be harassment or retaliation

The HBMC prohibits certain actions taken against either a tenant or an owner. This section of the HBMC is enforced by the Seattle Police Department and carries criminal penalties.

The following actions constitute harassment or retaliation against the **tenant**:

1. Changing locks on unit doors
2. Removing doors, windows, fuse box or other fixtures
3. Discontinuing gas, electricity, water or other utilities supplied by owner
4. Removing a tenant from the premises except through the legal eviction process
5. Evicting, increasing rent or threatening a tenant

because that tenant has reported violations of the HBMC to SDCI or has exercised any legal rights arising out of the tenant's occupancy of the building

6. Entering a tenant's unit, except in an emergency or with the tenant's consent after giving appropriate notice of intent to enter
7. Increase the monthly housing costs without advance written notice; 30 days for a rent increase of less than 10%, 60 days for a rent increase of 10% or more
8. Increase monthly housing costs where a housing unit does not meet basic standards for habitability

The following actions constitute harassment or retaliation against the **owner**:

1. Changing locks on unit doors
2. Removing owner-supplied fixtures, furniture or services
3. Willfully damaging the building

Instances of harassment or retaliation against an owner or a tenant should be reported to SDCI at (206) 615-0808.

Definition of Housing Costs

Housing costs include rent and any other periodic or monthly fees such as storage, parking, or utilities, paid to the landlord by a tenant.

What sources can provide more information?

Other groups that can provide information to tenants and rental property owners include:

1. **Solid Ground**
(206) 694-6767
www.solid-ground.org
Provides information and counseling on legal rights and responsibilities under the State Residential Landlord/Tenant Act and other statutes.
2. **Tenant Law Center**
(Catholic Community Services)
(206) 324-6890
<https://ccsww.org/get-help/specialized-services/tenant-law-center/>
Provides information and assistance to low income tenants faced with eviction.

3. **Tenants Union of Washington State**
(206) 723-0500
www.tenantsunion.org

Provides information and counseling on landlord/tenant problems. The Tenants Union also provides workshops, training and technical assistance for advocates and tenant groups on dealing effectively with landlords.

4. **Washington State Attorney General's Office**
(206) 464-7744
www.atg.wa.gov

Provides information about legal rights under the Residential Landlord/Tenant Act. The Attorney General's Office also has a Consumer Line Information Service which has recorded tapes on landlord/tenant topics at (206) 464-6811.

5. **Rental Housing Association of Washington**
(206) 283-0816
www.rhawa.org

Provides information on legal rights and responsibilities under the Washington State *Residential Landlord/Tenant Act* and other local codes.

6. **Dispute Resolution Center of King County**
(206) 443-9603
www.kcdrc.org

Provides mediation services to landlords and tenants. The center acts as an alternative forum to the formal court system for settling disputes.

7. **Seattle Office for Civil Rights**
(206) 684-4500
www.seattle.gov/civilrights

Enforces the City's Open Housing Ordinance which protects tenants against differential treatment based on race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, political ideology or the presence of any sensory, mental or physical handicap, the use of a Section 8 Certificate, or the use of a trained guide or service animal by a disabled person.

8. **King County Bar Association**

Neighborhood Legal Clinics
(206) 267-7070
www.kcba.org/For-the-Public/Free-Legal-Assistance/Neighborhood-Legal-Clinics

Call to schedule an appointment for a free legal consultation. Clinics are available at numerous locations. Call between 9 a.m. and noon, M-Th.

Housing Justice Project**(206) 267-7090**www.kcba.org/For-the-Public/Free-Legal-Assistance/Housing-Justice-Project

Represents low-income tenants subject to eviction.

Volunteer Legal Services**(206) 267-7010**www.kcba.org/For-the-Public/Free-Legal-Assistance/Volunteer-Legal-Services

Provides representation through volunteer attorneys to clients facing eviction.

9. Washington Landlord Association**(888) 753-9150**www.walandlord.com

Provides information on a wide variety of issues important to rental property owners and managers throughout Washington State.

10. Washington LawHelpwww.washingtonlawhelp.orgProvides a wide range of information on housing issues specific to the state of Washington, including tenants' rights, eviction, public and subsidized housing, emergency shelter and assistance, home buyers, home owners, mobile home park tenants, small claims court, energy assistance, utilities and telecommunications. *Information can be accessed only through the website.***11. Washington Multi-Family Housing Association****(425) 656-9077**www.wmfha.org

Represents the interests of owners of multi-family properties and their property management companies throughout Washington at the federal, state, and local levels.

12. Washington Rental Owners Association**(425) 353-6929**www.waapt.org

A statewide organization that advocates for landlords at the state level, provides resources and continuing education for its members, and promotes the rental housing industry.

Translations Available

Translated versions of this document and a summary of Washington state and Seattle landlord/tenant laws are available in the following languages: Amharic, Cam-

bodian, Traditional Chinese, Korean, Laotian, Oromiffa, Russian, Somali, Spanish, Tagalog, Thai, Tigrinya, and Vietnamese.

- Printed copies are available from the SDCI Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle.
- An electronic copy may be downloaded from www.seattle.gov/sdci/codes/common-code-questions/rental-agreements.

Questions?

If you have questions about this document, please call SDCI's Code Compliance Division at (206) 615-0808.

Access to Information

Links to electronic versions of Seattle codes and SDCI publications are available on the "Resources" page of our website at www.seattle.gov/sdci. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.