

# Code Compliance

— guidelines on Seattle regulations governing safety and quality of life

## Regulations Affecting Buildings Unfit for Human Habitation or Other Use

Updated January 30, 2017

When a building in Seattle is vacant or in a serious state of disrepair, neighbors often complain to the Seattle Department of Construction and Inspections (SDCI), asking that the City take action to demolish or repair the structure.

This Tip summarizes SDCI's authority relating to seriously deteriorated buildings. In general, it is not illegal for a building to be left vacant as long as it complies with the City's minimum standards for vacant buildings. See Tip 601, *Unsafe and Vacant Buildings: SDCI's Inspection Program/SFD's Inspection Program*, for more information about regulations affecting vacant buildings. For seriously deteriorated buildings, SDCI may require owners to repair or demolish buildings unfit for human habitation or other use.

The Housing and Building Maintenance Code (HBMC), SMC Chapter 22.208, sets forth the regulations for buildings unfit for human habitation or other use because of conditions that create a risk to the health and safety of occupants, neighbors, neighboring structures or the general public.

In general, buildings found to be unfit for human habitation or other use must be either repaired or demolished. SDCI can order an owner to demolish and remove a building ONLY if the cost of necessary repairs exceeds 50 percent of the replacement value of the structure. If repairs are valued at less than 50 percent of replacement cost, SDCI can require the building to be repaired to the extent necessary to meet the minimum standards for human habitation.

A determination by SDCI that a building is unfit for human habitation or other use depends upon an inspection which shows that the building is unsafe. Condi-

tions which demonstrate unfitness include (but are not limited to) the following:

- structural members of insufficient strength to carry imposed loads (such as missing or damaged walls or crumbling chimneys);
- inadequate protection from the weather (such as broken or missing windows, doors, roofing, or siding);
- inadequate sanitation (such as lack of running water or no sewage connection);
- inadequate light, heat, air or defective equipment (such as inoperable heating equipment or defective electrical equipment);
- lack of exits; and
- conditions creating a risk of fire or accident.

When SDCI inspection staff believe a building is unfit, notice is provided to the owner and posted at the building, and then a Director's hearing is scheduled that takes place at least 10 days after the date of the notice. If the hearing results in confirmation that the building is unfit, the Director will also determine if the building must be repaired or demolished. The Director will establish a compliance date, a deadline for the owner to take action to repair or demolish the building.

When needed repairs require a building permit from SDCI, adequate time may be allowed for the permit process to be completed and the work performed. In that case, SDCI will follow the project closely to make sure the corrective action is completed in a timely manner.

When an owner fails to act to comply with a notice to repair or demolish a building, SDCI can obtain a court order authorizing the City to take action. This involves a bidding and contracting process. Owners are billed for the work, and if they fail to pay, a tax lien is placed on the property to ensure that the City recovers its costs. Failure to comply with an Order of the Director requiring that a building be repaired or demolished may subject the owner of the property to a cumulative civil penalty of \$500 a day.

[www.seattle.gov/sdci](http://www.seattle.gov/sdci)

700 5th Avenue, Suite 2000  
P.O. Box 34019  
Seattle, WA 98124-4019  
(206) 684-8600



City of Seattle  
Department of Construction and Inspections

## Applications to Demolish Housing and Inspection Fees

In most cases, it is unlawful to demolish housing without a permit for a replacement use. SMC 23.40.006. One exception is for residential buildings in single family zones only; these may be demolished without a replacement use being established as long as they have not been used as tenant housing for at least the preceding 12 months. Another exception is where the Director determines that the housing unit is unfit for human habitation or other use and the cost to repair the unit exceeds 50 percent of its replacement cost. To qualify for this exception, it generally will be necessary to obtain an advisory inspection of the building so that the necessary determination can be made by the Director.

In 2017, the fees for advisory inspections requested pursuant to the HBMC are \$525.00 for the first unit and \$157.50 for each additional unit. For updated fees or additional fee information, please see the Fee Subtitle at [www.seattle.gov/dpd/codesrules/codes/fees/](http://www.seattle.gov/dpd/codesrules/codes/fees/).

## Getting More Information

The HBMC is available from the SDCI Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., (206) 684-8467. It is also available on SDCI's website at [www.seattle.gov/dpd/codesrules/](http://www.seattle.gov/dpd/codesrules/).

If you have questions or need additional information, please contact the SDCI's Code Compliance Division at (206) 615-0808, visit them on the 19th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, or visit [www.seattle.gov/sdci](http://www.seattle.gov/sdci).

## Access to Information

Links to electronic versions of SDCI **Tips** and other helpful publications are available on our website at [www.seattle.gov/dpd/toolsresources/](http://www.seattle.gov/dpd/toolsresources/). Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Avenue in downtown Seattle, (206) 684-8467.

**REQUEST FOR ADVISORY HOUSING CODE INSPECTION OF UNFIT BUILDING (SMC 22.202.035)**

(Do not use for Condominium or Cooperative Conversion)

**INSTRUCTIONS**

1. Fill in the appropriate information in the blank spaces below and on the reverse of this form.
2. Calculate the inspection fee [see reverse].
3. Deliver the completed form to:

Seattle Department of Construction and Inspections  
Code Compliance Division  
700 Fifth Avenue, Suite 1800  
P.O. Box 34019  
Seattle, WA 98124-4019

**OR:**

In person, by visiting the Code Compliance Division, located on the 19th floor of the Seattle Municipal Tower at 700 Fifth Ave.

SDCI's Code Compliance Division will create a case number for you. Once you have your case number, you must take your check or money order, made payable to the City of Seattle, to the cashier on the 20th floor of Seattle Municipal Tower, 700 Fifth Ave. Once you have paid, you may obtain an inspection appointment.

Date: \_\_\_\_\_

A. I, as the building owner or the owner's agent, am requesting a Housing Code inspection of the entire building(s) identified as \_\_\_\_\_.

B. The total number of dwelling units in the building(s) that is (are) to be inspected is \_\_\_\_\_.

C. I understand that SDCI may, as a result of this inspection, require compliance with the provisions of SMC 22.206.130 (Minimum Fire and Safety Standards) if there are portions of the building that may be rented or leased to others.

D. I understand that SDCI may, as a result of this inspection, require compliance with the provisions of SMC 22.206.140 (Minimum Security Standards) for any portion of the building currently occupied by tenants.

E. I understand that SDCI may, as a result of this inspection, require compliance with any emergency conditions (SMC 22.206.260) identified in the building or premises.

F. For each building to be inspected, an inspection fee for the first unit and each additional unit inspected will be due prior to scheduling an inspection. The initial inspection fee covers the initial inspection and one follow-up inspection. If additional inspections are required, additional fees may be charged.

G. A litigation guarantee from a licensed title company showing all persons having any ownership interest in the building(s) or premises must be provided to proceed with the unfit process after inspection.

H. The Housing Inspector is authorized to gain access to the building(s), including to each housing unit, in order to make his or her inspection by contacting:

\_\_\_\_\_  
(name) (address)  
\_\_\_\_\_  
(convenient time and date) (telephone/email)

\_\_\_\_\_  
(signature of requestor) (mailing address if different from contact person above)  
\_\_\_\_\_  
(printed or typed name) (telephone/email)  
Relationship to property (owner, agent, manager, etc.): \_\_\_\_\_

Short description of building(s) and unfit conditions:
Photos of inside of building (attach to form)
Photos of outside of building (attach to form)
Is the building:  Structurally unsound? YES NO Contaminated? YES NO
Are other agencies involved? (e.g. SPD, SFD)
Litigation guarantee provided?
Other relevant information?

**22.900F.040 Advisory Housing and Building Maintenance Code and condominium conversion inspection.**

A. The fee for advisory inspections requested pursuant to the Housing and Building Maintenance Code or inspections required by the Condominium Conversion Ordinance and the Cooperative Conversion Ordinance shall be charged at the rate of 2.5 times the base fee\* for inspecting a building and one housing unit plus a charge at the rate of 0.75 times the base fee for inspecting each additional housing unit in the same building. No additional fee shall be charged for one follow-up inspection, if requested.

B. Additional reinspections requested or required after the first reinspection shall be charged a fee at the rate of one times the base fee for each building and one housing unit plus 0.25 times the base fee for each additional housing unit in the same building.

For 2017:

**Base fee\* (\$210) x 2.5 = \$525**

**Add \$157.50 for each unit beyond the first unit being inspected.**

\*SMC 22.900B.010