



Legislative Department Seattle City Council Memorandum

Date: November 16, 2009
To: Planning, Land Use, and Neighborhoods Committee (PLUNC)
From: Sara Belz, Council Central Staff
Subject: **Council Bill (C.B.) 116642 – Demolition of derelict housing**

On November 18, 2009, the PLUNC will have its third discussion of C.B. 116642, which would exempt property owners in Single Family zones from needing to establish a new use for their property before receiving a permit to demolish any residential units that are located on it. The Committee's previous discussions of the legislation have occurred as follows:

- September 23 – Department of Planning and Development (DPD) staff briefed Committee members on C.B. 116642; and
- October 8– The Committee hosted a public hearing on the legislation in Council Chambers.

Background

Section 23.40.006 of the Seattle Municipal Code (SMC) currently includes language that limits property owners' ability to demolish structures that include one or more dwelling units unless DPD has issued a permit authorizing the construction of a new use on the lot. This regulation was intended to prevent a reduction of the City's housing stock, and affordable housing in particular.

The language in SMC 23.40.006 works reasonably well for residential properties that are located in most Seattle zones, including Lowrise Multifamily, Residential-Commercial, and Neighborhood Commercial zones. This is because the owners of those properties can choose from a variety of replacement uses when they elect to demolish a residential structure. However, the existing SMC language may place an undue burden on the owners of residential properties in Single Family zones – particularly if their property has fallen into disrepair and/or they do not have the resources to maintain it. This is due to the limited number of uses that are permitted in Single Family zones, the most common of which is single-family detached housing. In challenging economic times, some owners may not have the means to improve or replace their declining residential properties. The number of interested homebuyers and developers may also be limited. This can lead to further structural deterioration and attract undesirable activities to the property and surrounding neighborhood. DPD is currently monitoring about 75 derelict properties in Single Family zones, most of which are vacant. Although most of the housing stock that is located in Seattle's Single Family zones is single-family detached housing, some dilapidated multifamily housing is also located in these areas.

Councilmembers should note that the SMC amendments included in C.B. 116642 would primarily serve to assist owners of derelict, Single Family zoned properties that are seeking to

demolish the structures on their lots. The legislation would have little to no impact on residential properties that are in bad repair and held by negligent owners who are not interested in improving or razing their dilapidated dwelling units.

Amendment

Councilmember Licata has proposed one amendment to C.B. 116642. A copy of the amendment is attached to this memorandum and printed on yellow paper. This amendment would require most housing that is located in Single Family zones to be unoccupied as rental housing for at least 18 consecutive months before it would be eligible for demolition without a permitted replacement use. The amendment is intended to help preserve affordable rental housing that is located single-family neighborhoods across the City.

The proposed amendment could help to reduce the demolition of affordable rental housing. However, in some cases, it could be difficult to determine whether a structure has been unoccupied as rental housing for 18 months. Some of these dwelling units are likely rented out to tenants without formal lease agreements that document dates of occupancy. Additionally, it is difficult to anticipate every tenancy scenario that could apply to these properties. For example, if a property owner allows a friend or relative to live in their otherwise unoccupied dwelling unit for a short period of time within the previous 18 month period, would they be precluded from applying for a demolition permit? Responding to cases like this could be challenging for DPD Code Compliance staff that would be responsible for enforcing the 18 month rule and collecting information about the occupancy history of these structures. Requiring a dwelling unit that is in very poor condition to remain vacant but standing for 18 months could also have negative impacts on the safety of the surrounding neighborhood, even when the owner of the derelict structure is willing to demolish it. However, the preservation of affordable rental housing is a key, citywide priority and the Committee may determine that this amendment's overall objective outweighs the potential challenges it could create.

Note: Committee adoption of Councilmember Licata's amendment will trigger an additional comment period per the Growth Management Act prior to Full Council action. If the Committee takes action on an amended version of C.B. 116642 on November 18, the first opportunity for a Full Council vote will likely be on December 7.

Next steps

If PLUNC does not vote on C.B. 116642 at its November 18, 2009, meeting, the Committee's next opportunity to vote will be on December 3.

If you have questions about any of the issues raised in this memorandum, please feel free to contact me at any time (4-5382 / sara.belz@seattle.gov).