

Code Compliance

— guidelines on Seattle regulations governing safety and quality of life

Illegal Dwelling Units

- **What are they?**
- **What enforcement action does the City take against them?**
- **How are they legalized or removed?**

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What is a dwelling unit?

A dwelling unit is an area in a building designed to be separate living accommodations for a person or persons living together as a family.

How can you tell whether a dwelling unit exists?

The Department of Planning and Development (DPD) Director's Rule 7-83, "Determining the Existence of a Dwelling Unit for the Purpose of Code Enforcement," sets out a variety of important factors for determining whether a dwelling unit exists. DPD has found that three critical elements tend to identify a dwelling unit:

1. A kitchen or other food preparation area;
2. Bathroom facilities that include both a toilet and a shower or bathtub; and
3. A living area set apart or separated from other living areas by doors, walls, stairways, hallways or common areas.

What is an illegal dwelling unit?

Stated simply, an illegal dwelling unit is one created without a permit. For example, if a dwelling unit is added to a single-family home or is turned into a duplex, or a duplex into a triplex, or even a 20-unit into a 21-unit building, and no permit for the unit is obtained from DPD, an illegal dwelling unit has been created.

Are mother-in-law apartments considered illegal units?

Most so-called "mother-in-law apartments" are dwelling units, and those created without a permit from DPD are illegal. Seattle's Land Use Code does allow for the creation of an accessory dwelling unit in a single family home. In addition, detached accessory dwelling units (DADUs) are allowed in Southeast Seattle (south of I-90 and east of I-5.) For information on how to apply to establish an accessory dwelling unit and on requirements and conditions, please see DPD Client Assistance Memo (CAM) 116A, *Establishing an Attached Accessory Dwelling Unit* and CAM 116B, *Establishing a Detached Accessory Dwelling Unit*.

What enforcement action will the City take against an illegal dwelling unit?

The City enforces against illegal dwelling units on the basis of complaints. Any person can submit a complaint about an illegal dwelling unit by calling the DPD Code Compliance Division at (206) 615-0808.

When DPD receives a complaint about an illegal dwelling unit, a housing and zoning inspector will conduct an investigation of the property. If the inspector determines that an illegal unit has been created, he or she will issue a Notice of Violation to the property owner. The Notice of Violation will advise the owner that an illegal dwelling unit has been discovered and will give the owner a deadline for either legalizing the unit, if that is possible, or removing the unit. Owners who do not comply with the Notice of Violation may be subject to fines and penalties under the Land Use Code.

What are the potential penalties for illegal unit violations?

- \$150 a day for the first 10 days and \$500 a day thereafter for violations of the Land Use Code
- \$500 a day for violations of the Building Code
- \$5,000 for violating a Certificate of Owner Occupancy associated with a legally permitted ADU

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- \$2,000 or more in tenant relocation assistance, if the unit cannot be legalized
- If more than two inspector visits are required before compliance is achieved, the third and following inspections are charged to the property owner in the amount of \$166 per inspection

How can an illegal unit be legalized?

In some instances, zoning regulations will allow legalizing a dwelling unit installed without a permit. A property owner who has received a Notice of Violation for an illegal dwelling unit should contact a DPD permit specialist immediately to inquire about legalizing the dwelling unit. The permit specialist can advise the property owner about the circumstances under which dwelling units may be legalized. A DPD permit specialist can be reached by visiting the Applicant Services Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave.

An illegal dwelling unit is removed by physically removing the features that created the illegal dwelling unit. In most cases, in order to comply with a Notice of Violation for an illegal dwelling unit, an owner will need to do the following:

1. Remove food preparation area, including all appliances (except the refrigerator) and all 220 outlets.
2. Remove all interior locks and physical separations between the illegal dwelling unit and the other units on the property.
3. Obtain all necessary permits and approvals so that all work is properly permitted. The specific compliance requirements in each case will depend upon the unique characteristics of the property involved.

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, 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.