

Director’s Report and Recommendations

Vacant Building enforcement and Housing Code Amendments

Overview

The Department of Planning and Development (DPD) is proposing amendments to the Housing and Building Maintenance Code and the Land Use Code, to streamline vacant building enforcement by including junk storage, vehicle storage and parking, and overgrown vegetation as premises maintenance violations in the Vacant Building Standards in SMC 22.206.200, and to update housing code standards to conform to current Seattle Building Code standards.

Vacant Building Standards and Land Use Code amendment regarding premises maintenance

Regarding vacant building enforcement, currently a vacant building may be subject to as many as four separate violation notices from a single inspection. The Vacant Building Standards, which contain specific provisions regarding building and premises maintenance, are enforced via Notice of Violation (NOV) under the Housing and Building Maintenance Code (HBMC), SMC 22.206.200. NOVs give the property owner a period of time to come into compliance, after which civil penalties ranging from \$150 to \$500 per day will accrue. To obtain a judgment for those penalties, DPD must refer the case to the Law Department for Municipal Court action and a court order.

(In addition to a NOV for vacant building violations, an HBMC Emergency Order also may be issued if the building is open to entry or otherwise immediately dangerous to the community. Emergency orders would continue to be issued even under this proposal; the procedure for imminent hazards would not change.)

This proposal also seeks to amend the enforcement provisions of Section 23.91 of the Land Use Code so that storage of junk and vehicles at vacant building sites must be addressed via the maintenance provisions for vacant buildings and premises in the Housing and Building Maintenance Code rather than via a Land Use code citation. Currently, if there is junk storage at a vacant building site, a citation is written as dictated by SMC Chapter 23.91. Citations impose a one-time penalty of \$150 for first offenses and \$500 for all subsequent offenses, and are appealable to the City Hearing Examiner. If there is unauthorized parking at the site, a citation might be written for that violation as well, also under SMC Chapter 23.91.¹

This proposal takes junk storage and parking of vehicles, when these violations are at a site with a vacant building, out of the citation process in SMC Chapter 23.91, and includes them as elements of premises maintenance for vacant buildings. The revised ordinance language also is consistent with the Department’s view that parking on sites containing a vacant house is an unauthorized accessory use. See SMC 23.42.020. While a house is occupied, parking one’s vehicles would be customarily incidental to the business of daily life in that occupied house. Once the house is vacant, however, the

¹ SMC 23.91.002 Scope.

A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006, 23.44.040, 23.45.004, and 23.45.140);
2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);
3. Parking of vehicles in a single-family zone (Section 23.44.016);
4. Keeping of animals (Section 23.42.050); and
5. Home occupations (Section 23.42.052).

* * *

house is not being used as a residence and therefore parking is no longer a legitimate accessory use. The amendments to the vacant building standards clarify that a site with a vacant building is not to be used as a de facto parking lot.

As a result, the owner of a vacant building will receive not two, three, or four separate documents, with different time frames for compliance, different penalty structures, and different methods of contesting the violation finding. Instead, the owner would receive just one Notice of Violation, which would encompass all the problems at the site in one document. Not only will this simplify and streamline the process for the City code enforcement team, so that community problems resulting from vacant buildings may be addressed more effectively, it also will simplify the enforcement process for the customer (the vacant building owner), who will have just one document to understand, one case number to reference, and one set of potential penalties to encourage compliance.

Finally, as to vegetation, keeping a vacant property free from vegetation overgrowth that may be unsafe, a fire hazard, or potential rodent harborage is not specifically included in the current standards for vacant buildings. The Weeds and Vegetation Ordinance, SMC Chapter 10.52, may be used for vegetation that encroaches on public property, but it is not effective for addressing problems caused by vegetation overgrowth on private, unoccupied property. Nonetheless such vegetation overgrowth is often of the most concern to the neighborhood with a vacant building in its midst. It is viewed as contributing to the structure's neglected and uncared-for appearance, thereby contributing to an environment attractive to unauthorized intruders, illegal dumping, and criminal activity. Specifically including a requirement in the Vacant Building Standards to maintain vegetation will clarify that such property maintenance is one of the responsibilities of a vacant building owner.

Housing and Building Maintenance Code standards for light and ventilation, heating, and fire and safety

When the Housing and Building Maintenance Code was enacted, it incorporated provisions to correlate to the building code in effect at that time. Over the past two decades, some of the standards in the Seattle Building Code have changed in response to changing construction methods and safety considerations. While it is permissible for our housing code to contain stricter standards than current building code allows, the changes in the standards affected by this proposal reflect a judgment that a residential building may be safe with these standards. Currently, property owners that are cited with violations of provisions in the housing code that are inconsistent with current building code standards must request a housing code variance in order to have their property evaluated under the current building code provisions. This proposal would bring the housing code standards into line with building code requirements, so that the owner would not have to go through the variance process simply because the two codes are conflicting. This would provide more certainty for property owners and more consistent enforcement for the entire city.

Appendix A is a chart detailing the specific changes to the code provisions. The highlights of the proposed changes are as follows.

1. Update the light and ventilation standards as to window size in the Housing and Building Maintenance Code to be consistent with those in the current Seattle Building Code;
2. Update the heating standards as to attainable temperatures in cold weather in the Housing and Building Maintenance Code to be consistent with those in the current Seattle Building Code;
3. Update the fire and safety standards as to stairway configuration in the Housing and Building Maintenance Code to be consistent with those in the current Seattle Building Code.

Minor changes correcting outdated formatting and expired references also are proposed, but are not addressed in this report.

ATTACHMENT A

Current HBMC standard	Current Building Code standard	Proposal
<p><i>Light and Ventilation, Habitable Rooms:</i></p> <p>Every habitable room in a housing unit to have window(s) with an area of not less than ten percent of the floor area of the room, but in no event shall such area be less than ten (10) square feet...</p> <p>SMC 22.206.040.A</p>	<p><i>Light, Ventilation and Heating - Habitable rooms.</i></p> <p>All habitable rooms shall be provided with aggregate glazing area of no less than 8 percent of the floor area of such rooms.</p> <p>SBC R303.1</p>	<p><i>Light and ventilation</i></p> <p>Window size: from 10% to 8% of floor area.</p>
<p><i>Minimum Mechanical Standards - Heating - Minimum Heating Equipment:</i></p> <p>Housing unit must have permanently installed heating equipment that can heat the room to at least 65°F measured 3 feet from the floor when the outdoor temperature is 24 degrees or higher; heat must reach 58°F when the outside temp is below 24 degrees.</p> <p>SMC 22.206.090 & 22.206.160</p>	<p><i>Light, Ventilation and Heating</i></p> <p>Required heating to 68°F measured 3 feet from the floor and 2 feet from the exterior wall.</p> <p>SBC R303.8</p>	<p><i>Heating</i></p> <p>Minimum temperature to be reached: from 65°F to 68°F measured 3 feet from the floor and 2 feet from the exterior wall; heat must reach 58°F measured 3 feet from the floor and 2 feet from the wall when the outside temp is below 24 degrees.</p>
<p><i>Minimum Fire and Safety Stds - Stairways:</i></p> <p>Maximum 8 inch rise.</p> <p>Minimum 9 inch run.</p> <p>Variation no more than ½ inch.</p> <p>Width: no less than 30 inches from wall to wall.</p> <p>Handrail height between 28" and 42" above the tread nose.</p> <p>Headroom clearance not less than 6'6" measured vertically from the nearest tread nose to the nearest soffit.</p> <p>SMC 22.206.130.A.</p>	<p><i>Means of Egress - Stairways:</i></p> <p>Riser Height: maximum rise 7 ¾ inches.</p> <p>Tread Depth: minimum tread depth (run) 10 inches.</p> <p>Variation no more than 3/8 inch.</p> <p>Width not less than 36 inches; 31.5 inches if one handrail; 27 inches if two handrails.</p> <p>Handrail height not less than 34" or more than 38".</p> <p>Headroom not less than 6'8".</p> <p>SBC R311.5.</p>	<p><i>Stairways</i></p> <p>Maximum riser height reduced from 8 inches to 7 ¾ inches.</p> <p>Minimum tread run increased from 9 inches to 10 inches.</p> <p>Variation from max of ½ inch to max of 3/8 inch.</p> <p>Width from no less than 30 inches to no less than 36 inches.</p> <p>Handrail height from between 28 and 42 inches to between 34 and 38 inches.</p> <p>Headroom in stairway from min of 6'6" to min of 6'8".</p>