



Director's Rule 5-2003

Applicant: City of Seattle Department of Design, Construction and Land Use	Page 1 of 3	Supersedes: 20-98
	Publication: 5/19/03	Effective: 6/4/03
Subject: Statement of Financial Responsibility for Payment of Fees	Code and Section Reference: Fee Subtitle 22.901A.030 Land Use Code 23.76.010	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Fees; Land Use Code	Approved (signature on file) Diane M. Sugimura, Director	Date 6/4/03

I. Background

Section 22.900A.030.C of the Fee Subtitle specifies which parties are legally responsible for payment of permit fees.

Both the applicant for the permit, and the owner of the property for which the permit is required, are jointly and severally responsible for payment of fees required by this subtitle, regardless of whether the permit is issued or whether the application is canceled or denied before permit issuance. However, when an applicant is not the owner and is not acting, even in part, as agent for the owner, the applicant is solely responsible for payment of applicable fees.

Section 23.76.010 of the Land Use Code requires that all Master Use Permit applications be accompanied by a signed statement of financial responsibility in which the applicant and property owner acknowledge responsibility for paying fees.

The purpose of these code sections is to identify who can be held liable for payment of fees and to ensure that DCLU has sufficient information to collect fees that are due on those occasions when payment is in dispute. This rule clarifies the responsibilities of the parties and the use of the Statement of Financial Responsibility form. The form is attached to this rule.

II. Rule

A. Applications for which Statements of Financial Responsibility are required.

1. Statements of Financial Responsibility are required for all applications for which post-issuance site inspections may be required.
2. Statements of Financial Responsibility are required for applications that do not require post-issuance site inspection except:
 - a. Applications that will be approved subject to field inspection;
 - b. Expedited building and mechanical applications;
 - c. Non-expedited building and mechanical applications with a value of \$50,000 or less;
 - d. Revisions of non-expedited applications when the value of the project remains less than \$50,000;
 - e. Renewals of permits for which fees will not be charged on an hourly basis;
 - f. Applications with fixed-value components or for which the entire fee is collected at the time of intake, such as grading and demolition permits.

B. "Applicant" defined.

For purposes of Section 22.901A.030, the term "applicant" means a person or entity that falls within either of the following categories.

- (1) A person or entity with a financial interest in the project. "Applicant" shall not include any person who is acting solely as an employee, contractor, subcontractor or consultant of (a) the property owner; or (b) another person or entity with an independent financial interest in the project.
- (2) A person or entity who is petitioning for a rezone.

C. Required signatures.

The Statement of Financial Responsibility must be signed by both a property owner and an applicant unless they are the same person. DCLU may waive the requirement for signature of the property owner when the application is for a rezone in which the petitioner is not the owner of the property, or when the applicant is a government agency and the site is subject to condemnation.

D. Agents.

Agents submitting applications, such as architects, engineers and permit consultants, will be liable for payment of fees only if they have a financial interest in the project as described in paragraph B above.

E. Responsibility for payment of fees.

All those who sign the Statement of Financial Responsibility are responsible for payment of all fees for the project. They are responsible for fees for revisions, including those incurred after issuance of the permit.

It is the responsibility of the owner and applicant to be informed about fee-generating activity related to their application and permit. DCLU will not contact parties, whether or not they are actively involved in project review, to inform them that revisions have been submitted that will require additional fees.



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 (206) 684-8850



DPD Project Number

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Statement of Financial Responsibility/ Agent Authorization

Original form must be submitted

Project Address	
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NAME AND ADDRESS OF PROPERTY OWNER (Required)

Name			
Address			
City/State/Zip Code			
Telephone		Email	

To whom it may concern:

I, _____ declare that I am (please check the box that applies):

- The owner of the above mentioned property and financially responsible party for all permit fees associated with this project.
- The _____ (authorized title) of the owner, _____ (business entity) and have the authority under my title to bind the owner as the financially responsible party.

I understand and agree that the owner is responsible for payment of all fees associated with this project including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

- The property owner or officer of business entity but not the financially responsible party. The applicant as defined by Director's Rule 5-2003 is listed on the reverse and is solely responsible for all applicable fees.

I understand and agree that the owner (or the applicant if the reverse is completed) must notify DPD of any address change which may occur at any time prior to payment of all fees associated with this project.

 Owner's Printed Name

 Owner's Signature

 Date

AGENT AUTHORIZATION (Optional):

I hereby authorize _____ to act as my agent for this project. My agent is the applicant on this project for contact purposes only and does not have a financial interest in this project.

 Agent's Printed Name

 Applicant's Signature

 Date

THIS SIDE TO BE COMPLETED ONLY IF THE PROJECT IS BEING SUBMITTED BY AN "APPLICANT" WHO IS NOT THE OWNER

This side to be completed ONLY if the project is being submitted by an "applicant" as defined by Director's Rule 5-2003: 1) A person or entity with a financial interest in the project. "Applicant" shall not include any person who is acting solely as an employee, contractor, subcontractor or consultant of the property owner or another person or entity with an independent financial interest in the project. 2) A person or entity who is petitioning for a rezone.

"Applicant", under this definition does not include architects, agents or other design professionals who submit applications on behalf of a property owner. Such persons may not sign in lieu of the Owner or the Applicant as defined by the rule.

NAME AND ADDRESS OF APPLICANT (As defined in DR 5-2003)

Name		
Address		
City/State/Zip Code		
Telephone		Email

To whom it may concern:

I, _____ declare that I am (please check the box that applies):

The applicant as defined in DR 5-2003, with a direct financial interest in the project. I am not acting even in part as an agent of the property owner.

The _____ (authorized title) of the applicant, _____ (business entity and have the authority under my title to bind the applicant as the financially responsible party.

I understand and agree that the applicant is responsible for payment of all fees associated with this project including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued. (Note: If an applicant as defined by the Director's Rule is not the owner and is not acting even in part as agent for the owner, that applicant is solely responsible for payment of applicable fees.)

I understand and agree that the applicant must notify DPD of any address change which may occur at any time prior to payment of all fees associated with this project.

Applicant's Printed Name

Applicant's Signature

Date

AGENT AUTHORIZATION (Optional):

I hereby authorize _____ to act as my agent for this project. My agent is the applicant on this project for contact purposes only and does not have a financial interest in this project.

Agent's Printed Name

Applicant's Signature

Date