

# Code Compliance

— guidelines on Seattle regulations governing safety and quality of life

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

Updated January 15, 2020

This Tip summarizes our authority relating to seriously deteriorated or dangerous 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, however, we may go through a process to declare the building "unfit for human habitation or other use" and require the owner to repair or demolish the building.

The Housing and Building Maintenance Code (HBMC), SMC Chapter 22.208, sets forth the regulations for buildings that are unfit. They can be declared unfit 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 must be either repaired or demolished. We can order an owner to demolish and remove an unfit building **ONLY** if:

- the cost of necessary repairs exceeds 50 percent of the replacement value of the structure

OR

- the building has been open to entry and has been the subject of multiple emergency orders and police or fire department visits

If repairs are valued at less than 50 percent of replacement cost, we can require the building to be repaired to the extent necessary to meet the minimum standards for human habitation.

### Determining Whether a Building is Unfit

Our determination that a building is unfit starts with an inspection and investigation of the conditions that indicate the building is unfit. Conditions which demonstrate unfitness include (but are not limited to) the following:

- 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
- Other conditions creating a risk of fire or accident

We may consider the building to be dangerous if it was recently entered or used without the permission of the owner. Factors that indicate dangerous conditions include:

- Two or more unauthorized entries or break-ins
- Emergency orders requiring the building to be secured from unauthorized entries
- Written notice from police or fire department that the building presents a danger to the general public and to City staff who might need to enter the building

### What Happens if it is Determined Unfit?

When we suspect a building is unfit, we must follow specific procedures so that the owner has notice and the opportunity for a hearing. We issue a Director's Complaint and set a date for an administrative hearing. At the hearing, evidence is presented showing the level of hazard of the building. The hearing officer determines whether the information presented is sufficient to find the building is unfit and to support an administrative order to require action. An order will be issued



that includes a deadline for the owner to take action to repair or demolish the building.

Additional time may be allowed for the permit process to be completed and the work to be performed. In that case, we will follow the project closely to make sure the repairs are made or the house is demolished in a timely manner. The owner may be subject to penalties of up to \$500 a day if the deadline passes without compliance. We expect the owner to do the work required to repair or demolish the unfit building. If the owner doesn't follow through, we can seek a court order authorizing us to do the work that the owner fails to do. We then go through a bidding and contracting process to hire a contractor to demolish the building at the owner's expense. If they fail to pay the demolition costs, a tax lien is placed on the property to ensure that we recover those costs.

## Demolishing Unfit Housing

Seattle's Land Use Code has restrictions about demolition of residential property. See Tip 337, *Demolition and Deconstruction*, for more information about the requirements for a demolition permit. One of the exceptions to the general rule limiting demolition of residential property applies to buildings that we have determined to be unfit and for which we have issued an order requiring demolition. To qualify for this exception, you will need to obtain an advisory inspection of the building so that the process described above can proceed and the necessary order can be issued. Once the order is issued, the owner can proceed through the regular demolition permit process.

In 2020, the fees for advisory inspections are \$577.50 for the first unit and \$173.25 for each additional unit. For updated fees or additional fee information, please see the Fee Subtitle at [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/fees](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/fees).

## More Information

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

If you have questions or need additional information, please contact us at (206) 615-0808, or visit us on the 18th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle. Also, visit our website for more information [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/buildings-unfit-for-human-habitation](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/buildings-unfit-for-human-habitation).

## Access to Information

Links to electronic versions of SDCI **Tips** and other helpful publications are available on our website at [www.seattle.gov/sdci](http://www.seattle.gov/sdci). 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 2020:

**Base fee\* (\$231) x 2.5 = \$577.50**

**Add \$173.25 for each unit beyond the first unit being inspected.**

\*SMC 22.900B.010