

Affirmative Consent

The City of Seattle, Department of Construction and Inspections (SDCI), now enforces the right of access to housing units in the City of Seattle as indicated by SMC 22.206.180(F). As recipients of public funding your agency will have to ensure proper notice is given and Affirmative Consent is received prior to an inspection. Property staff will have to adjust their current process and allow time to receive Affirmative Consent from tenants prior to scheduled inspections. It is critically important to allow enough time to obtain affirmative consent from tenants in order to complete inspections properly. Below are additional details you may find helpful.

Right of Access

RCW 59.18.150(1) prohibits a tenant from unreasonably withholding consent to a landlord to enter a dwelling unit in order to **inspect the premises**, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors. RCW 59.18.150(6) prohibits a landlord from abusing the right of access or use it to harass a tenant, or unreasonably interfere with a tenant's enjoyment of a rental by excessively exhibiting the unit. SMC 22.206.160(F)(1) states that a landlord can only enter at "reasonable times."

A landlord has the right to enter a dwelling unit without notice or consent in an emergency.

Notice

RCW 59.18.150(6) requires a landlord to give at least two days **written** notice to enter a dwelling unit and can only enter at reasonable times. This notice must state the exact time and date or dates of entry, specifying the earliest and latest possible time of entry, and list a telephone number the tenant can use to communicate an objection to entry or to reschedule the entry. The landlord must give one day's notice to enter for purposes of showing the unit to prospective or actual purchasers or tenants. SMC 22.206.180(F) mirrors state law, and adds mortgagees, workers, and contractors to those who can be included in a one day notice. A one day notice does not have to be in writing.

Service

Two day and one day notices must be **received** by a tenant household by the appropriate deadline or before.

Consent

Pursuant the RCW 59.18.150(7) and SMC 22.206.180(F)(1) a landlord **cannot enter** a dwelling unit without the consent of a tenant authorized to reside in the unit. The tenant must be 18 years of age to give consent. Consent means "approval, acquiescence, or agreement" of a voluntary nature. Failure of a tenant to respond to a request for access cannot be construed as consent. In other words, silence does not constitute consent.

Enforcement

To enter a tenant's dwelling unit without a tenant's affirmative consent is a violation of SMC 22.206.160(F)(1). Complaints of unlawful entry are investigated by the Code Compliance Division of the Department of Construction and Inspections.

SDCI Code Compliance contact information

Phone: (206) 615-0808

<http://www.seattle.gov/dpd/codesrules/commonquestions/rentalhousingproblems/default.htm>