

Allan Ekberg, Mayor

INFORMATIONAL MEMORANDUM

TO:

Community Development and Neighborhoods Committee

FROM:

Jack Pack, DCD Director

BY:

Nora Gierloff, Deputy DCD Director and Kia Shagena, Code Enforcement

Officer

CC:

Mayor Ekberg

DATE:

November 27, 2018

SUBJECT:

Updated Residential Rental Inspector Requirements

ISSUE

Proposal to update the requirements at TMC 5.06 to provide more oversight of Residential Rental Licensing Program inspections conducted by non-city inspectors.

BACKGROUND

In addition to annual licensing, all approximately 4,000 rental housing units in the City must pass an inspection every 4 years, see Attachment C. Properties with up to 4 units may use a City inspector while all larger properties must use a private inspector who meets specific qualifications. The City may also inspect units in response to complaints at other times.

In 2017, the City was made aware of a series of insufficient and or incomplete rental inspection reports that were submitted to the City by a private non-city inspector. Since the discovery of this information, the inspector has been removed from the City's list of approved inspectors and has not inspected any additional units.

On October 9, 2018 the City received a complaint regarding a four-plex with a collapsed ceiling that was due to a prolonged roof leak. This property had been inspected by the offending inspector in October of 2017. The families were assisted in finding permanent housing and the property owner paid their relocation assistance.

The rental housing staff has reached out to property owners whose last inspection was performed by this inspector to offer a courtesy inspection by our inspection staff. Hopefully this will allow us to proactively identify any additional housing safety issues, see Attachment B.

DISCUSSION

During the October 23, 2018 Community Development and Neighborhoods Committee meeting the Committee requested staff bring forward proposed updates to the Residential Rental Licensing Program inspection requirements to help mitigate this type of issue in the future and provide the City additional recourse when addressing similar situations.

Staff proposes the addition of an audit provision to the code which allows the code official to reinspect units when the inspection report results are in question, see Attachment A. Additionally, staff recommends adding provisions that:

- 1) Inspectors may not have a financial interest in the properties they inspect; and
- 2) The City may revoke a rental license if an inspection checklist is submitted to the City that the owner or the inspector knew or should have known was false.

FINANCIAL IMPACT

The only direct costs would be staff time required to implement and enforce the audit and revocation provisions. This would include the staff time for required reinspections.

RECOMMENDATION

The Council is being asked to approve the ordinance and consider this item at the December 10th Committee of the Whole meeting with possible adoption at the Special Meeting that night.

ATTACHMENTS

- A. Draft Residential Rental Licensing Inspection Ordinance
- B. Rental Inspection Checklist
- C. Quadrant Map

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, MODIFYING THE STANDARDS FOR PRIVATE RESIDENTIAL RENTAL PROGRAM INSPECTORS; AMENDING ORDINANCE NOS. 2519 §3, 2459 §2, AND 2281 §1 (PART), AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 5.06.050; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila's Residential Rental Business License and Inspection Program has been effective in improving the quality of the City's rental housing stock; and

WHEREAS, under this program all residential rental units are required to pass a safety inspection at least once every four years; and

WHEREAS, approximately 85 percent of these inspections are performed by private inspectors who meet specific certification requirements; and

WHEREAS, the City has determined that additional oversight of the private inspectors is desirable to protect the health and safety of Tukwila's renters;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. TMC Section 5.06.050 Amended. Ordinance Nos. 2519 §3, 2459 §2, and 2281 §1 (part), as codified at Tukwila Municipal Code Section 5.06.050, "Inspection Required," are hereby amended to read as follows:

5.06.050 Inspection Required

<u>A.</u> The property owner is responsible for obtaining an inspection of each rental unit and submitting the Inspection Checklist to the code official no later than September 30 of the year the Certificate of Compliance expires.

- <u>B.</u> When a unit changes from owner occupancy to a rental, the inspection must occur before the unit is occupied by the tenant. An inspection is not required the year a Certificate of Occupancy is issued for a newly-constructed building, and thereafter the building will be inspected according to the quadrant in which it is located.
- <u>C.</u> Owners of complexes with 5 or more units are required to utilize a non-City inspector—who. Owners of rental properties with fewer than 5 units may utilize a City inspector or a non-City inspector. Non-City inspectors must meets the qualifications defined herein, and who is be preapproved by the City, and may not have a financial interest in the property. Owners of rental properties with fewer than 5 units may utilize a City inspector or a non-City inspector, as defined herein. The City shall provide the Inspection Checklist to the owner with the application form.
- <u>D.</u> The code official shall issue a Certificate of Compliance for rental units that comply with applicable laws based on a submitted Inspection Checklist. If using a non-City inspector, the owner shall be responsible for making the inspection arrangements with the non-City inspector.
- E. The code official shall audit Inspection Checklists submitted by private inspectors and based on audit results may reinspect units on that property or inspected by that inspector.
- F. Submittal of an Inspection Checklist that the owner knows or should have known is false may result in revocation of the residential rental business license and penalties defined in TMC Section 5.06.200.
- G. An Inspector may be removed from the City's approved list for reasons including, but not limited to:
- 1. Submittal of an Inspection Checklist that the inspector knows or should have known is false.
 - 2. Conviction for any crime that occurs in connection with an inspection.
 - 3. Failure to hold a valid Tukwila business license.
- **Section 2.** Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.
- **Section 3. Severability**. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 4. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL O a Regular Meeting thereof this d	F THE CITY OF TUKWILA, WASHINGTON, and lay of, 2018.
ATTEST/AUTHENTICATED:	
Christy O'Flaherty, MMC, City Clerk	Allan Ekberg, Mayor
APPROVED AS TO FORM BY:	Filed with the City Clerk:Passed by the City Council:
Rachel B. Turpin, City Attorney	Published:



Department of Community Development - Jack Pace, Director

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RENTAL HOUSING LICE					File # RENT	
PROGRAM: INSPECTION	N CHECK	LIS	ST		Final Inspection Score 0	
PROPERTY OWNER INFORMATION	DWELLING TYP	E:	O D	ıplex	RENTAL PROPERTY INFORMATION	
Owner name:	Single-family Condominium			iplex ourplex	Rental Address:	
failing address:	Apartments Accessory	w/ 5 o	r more		Property Name:	
	In this dwelling, n				Unit Number:	
	Bedrooms -		room	-		
UNIT DOES NOT PASS IF INSPE	ECTION RESULTS	IN A	TOTA	L OF	25 OR MORE NON-COMPLIANCE POINTS	
	COMPLI					
IPMC A EXTERIOR PROPERTY	YES	N/A	NO N		COMMENTS	
302.1 Clean, safe & sanitary / no uncontained de	ebris	0		1		
302.2 No standing water or erosion	•	0	0	1		
302.3 Sidewalks/driveways free of hazards	•	0	\circ	1		
302.4 No weeds in excess of 12 inches	•	0	\bigcirc	1		
302.5 No evidence of rodent harborage / vermin	infestation	0	\bigcirc	2		
302.7 Accessory structures in good repair	•	0		1		
302.8 No junk vehicles/under repair outside gara			\bigcirc	1		
302.9 Free from graffiti	(•		\bigcirc	1		
302.3 Tee Holli graillu		"Trans"	V/	<u>'</u>		_
308 Approved garbage containers with tight fitt	ing lids	Ö	2	1	Section A – EXTERIOR PROPERTY Total of Non-Compliance Points	(
308 Approved garbage containers with tight fitt	lyes	S N/A	NON	1		(
308 Approved garbage containers with tight fitt	YES		NO N	-C	Total of Non-Compliance Points	(
308 Approved garbage containers with tight fitt	HOT TUBS		NO N	-C	Total of Non-Compliance Points	(
308 Approved garbage containers with tight fitt IPMC B SWIMMING POOLS, SPAS & H 303.1 Clean, sanitary, in good repair	HOT TUBS		NO N	oc rs	Total of Non-Compliance Points	(
B SWIMMING POOLS, SPAS & H 303.1 Clean, sanitary, in good repair 303.2 Enclosure 60" high, with self-closing latch of last public health inspection (multi-family complexes only):	HOT TUBS on gate		NO N	C rs l Section	Total of Non-Compliance Points COMMENTS ion B – SWIMMING POOLS, SPAS & HOT TUBS	
308 Approved garbage containers with tight fitt IPMC B SWIMMING POOLS, SPAS & H 303.1 Clean, sanitary, in good repair 303.2 Enclosure 60" high, with self-closing latch of last public health inspection (multi-family complexes only):	On gate YES		NO NO NO NO NO P	C rs l Section	COMMENTS COMMENTS ion B – SWIMMING POOLS, SPAS & HOT TUBS Total of Non-Compliance Points	
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IPMC	D DWELLING UNIT ENTRY	YES	N/A	10000	N-C PTS	COMMENTS
304.15	Exterior doors in good repair; deadbolt locks operable by knob; deadbolt throw not less than 1 inch	•	0	0	2	
305.3	Windows and frames in good repair	•	0	0	1	
305.4	Floor surface in good repair	•	0	0	1	
						Section D – DWELLING UNIT ENTRY Total of Non-Compliance Points
IPMC	E LIVING ROOM	YES	N/A	NO V	N-C PTS	COMMENTS
305.3	Wall surface in good repair	•	0	\bigcirc	1	
305.3	Windows and frames in good repair	•	0	0	1	
305.4	Floor surface in good repair	•	\bigcirc	\bigcirc	1	
402.1 403.1	Minimum of 1 openable, approved-size window facing directly to outdoors. (1)	•	0	0	1	
504.1	No visible mold, signs of moisture or leaks	•	0	\bigcirc	3	
602.3 602.5	Adequate source of heat (2)	•	0	0	25	
	Two separate & remote electrical receptacle outlets	•	0	\bigcirc	2	
404.4.1	Size, in square feet (min. 120 square feet):					Section E – LIVING ROOM Total of Non-Compliance Points
IPMC	F DINING ROOM	YES	N/A	NO V	N-C PTS	COMMENTS
305.3	Wall surface in good repair	(•)	0	0	1	
	Windows and frames in good repair	(0	0	1	
	Floor surface in good repair	(0)	0	0	1	
	Minimum of 1 openable, approved-size window facing directly to outdoors. (1)	•	O	O	1	
	No visible mold, signs of moisture or leaks	(0)	0	0	3	
602.3	Adequate source of heat (2)	•	0	O	25	
602 5		-	-	-	-	
602.5	Two separate & remote electrical receptacle outlets	(0)	()		2	
602.5	Two separate & remote electrical receptacle outlets Size, in square feet:	- Company				Section F – DINING ROOM Total of Non-Compliance Points
605.2	Size, in square feet:	- Company	N/A		N-C	Total of Non-Compliance Points U
605.2	Size, in square feet: G KITCHEN / UTILITY	YES		NC V	N-C PTS	Total of Non-Compliance Points
605.2 IPMC 305.3	Size, in square feet: G KITCHEN / UTILITY Wall surface in good repair	YES V			N-C PTS	Total of Non-Compliance Points U
605.2 IPMC 305.3 305.3	Size, in square feet: G KITCHEN / UTILITY Wall surface in good repair Windows and frames in good repair	YES V			N-C PTS	Total of Non-Compliance Points U
605.2 IPMC 305.3 305.3 305.4	Size, in square feet: G KITCHEN / UTILITY Wall surface in good repair Windows and frames in good repair Floor surface in good repair	YES V			N-C PTS 1	Total of Non-Compliance Points U
IPMC 305.3 305.3 305.4 309 302.6	Size, in square feet: G KITCHEN / UTILITY Wall surface in good repair Windows and frames in good repair Floor surface in good repair Free of insect or rodent infestation	YES V			N-C PTS	Total of Non-Compliance Points U
IPMC 305.3 305.4 309 302.6 403.4	Size, in square feet: G KITCHEN / UTILITY Wall surface in good repair Windows and frames in good repair Floor surface in good repair Free of insect or rodent infestation Stove vent properly connected and functional Has a clear path of not less than 3 feet clearance	YES V			N-C PTS 1 1 1 1 3	Total of Non-Compliance Points U
IPMC 305.3 305.3 305.4 309 302.6 403.4 404.2	Size, in square feet: G KITCHEN / UTILITY Wall surface in good repair Windows and frames in good repair Floor surface in good repair Free of insect or rodent infestation Stove vent properly connected and functional Has a clear path of not less than 3 feet clearance between counterfronts and appliances or walls	YES V			N-C PTS 1 1 1 3 2	Total of Non-Compliance Points U
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H BATHROOM	YES			N-C PTS		
Separate bathroom with toilet, sink, & tub or shower	(0)	0	0	-		
	"Salvar"	ŏ	ŏ	_		
	1000	0	0			
	" Same	0	0	-		
Bathroom and toilet room properly ventilated (Openable window or functional mechanical fan)	0	0	0	2		
	(0)	0	0	1		
	(0)	0	0	3		
	(0)	0	O	25		
		Ŏ	0	1		
his is of bathrooms in	-1				Section H - BATHROOM Total of Non-Compliance Points	0
H BATHROOM NO ADD'L	YES	N/A	NO V	N-C PTS		
Separate bathroom with toilet, sink, & tub or shower	•	0	0	25		
Wall surface in good repair	•	0	0	1		
Windows and frames in good repair	•	0	0	1		
Floor surface in good repair	•	0		1		
Bathroom and toilet room properly ventilated	0	0	0	2		
	10000	0	0			
	4000	\leq	\leq			
	Name of Street	0		-		
	"Tar"	0		_		
	()			1	O U LA DATUROUA	
					Total of Non-Compliance Points	0
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Separate bathroom with toilet, sink, & tub or shower		•	0	25		
Wall surface in good repair	0	•	0	1		
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	CO	MPLIES			NDAF	RD?
IPMC	BEDROOM	YES	N/A	NO 🗸	N-C PTS	
305.3	Wall surface in good repair	•	0	0	1	
305.3	Windows and frames in good repair	•	0	0	1	
305.4	Floor surface in good repair	•	0	0	1	
305.6	Door, in good repair, securely attached	•	0	0	1	
402.1 403.1	Minimum of 1 openable, approved-size window facing directly to outdoors. (1)	•	0	0	1	
504.1	No visible mold, signs of moisture or leaks	•	0	0	3	
602.3 602.5	Adequate source of heat (2)	•	0	0	25	
605.2	Two separate & remote electrical receptacle outlets	•	0	0	1	
Thi Bedroor		(min				uare feet Section I - Bedroom 404.4.1): Total of Non-Compliance Points
IPMC	BEDROOM NO ADD'L	YES	N/A	NO V	N-C PTS	
305.3	Wall surface in good repair	•	\bigcirc	\bigcirc	1	
305.3	Windows and frames in good repair	•	0	\bigcirc	1	
305.4	Floor surface in good repair	•	0	\bigcirc	1	
305.6	Door, in good repair, securely attached	•	0	0	1	
402.1 403.1	Minimum of 1 openable, approved-size window facing directly to outdoors. (1)	•	0	0	1	
504.1	No visible mold, signs of moisture or leaks	•	0	\bigcirc	3	
602.3 602.5	Adequate source of heat (2)	•	0	0	25	
605.2	Two separate & remote electrical receptacle outlets	•	\bigcirc	\bigcirc	1	
Thi Bedroor		(min				uare feet Section I - Bedroom 404.4.1): Total of Non-Compliance Points
IPMC	BEDROOM NO ADD'L	YES	1	NO V	N-C PTS	
305.3	Wall surface in good repair		•	\bigcirc	1	
305.3	Windows and frames in good repair		•	\bigcirc	1	
305.4	Floor surface in good repair	0	•	0	1	
305.6	Door, in good repair, securely attached	0	•	0	1	
402.1 403.1	Minimum of 1 openable, approved-size window facing directly to outdoors. (1)	0	•	0	1	
504.1	No visible mold, signs of moisture or leaks		•	0	3	
602.3 602.5	Adequate source of heat (2)	0	•	0	25	
605.2	Two separate & remote electrical receptacle outlets		•	\bigcirc	1	
Thi Bedroor		(min				uare feet Section I - Bedroom 404.4.1): Total of Non-Compliance Points

		CON				ANDA	
IPMC	BEDROOM	NO ADD'L	YES	S N/	AN	O N-C	
305.3 Wa	Il surface in good repair		C	(DIC	1	
	ndows and frames in good repa	air	C	(OC	1	
	or surface in good repair		C	(0) 1	
	or, in good repair, securely atta	sched	C	(00	1	
	nimum of 1 openable, approved			(1	
	irectly to outdoors. (1)	•	() 1	
504.1 No	visible mold, signs of moisture	or leaks	C		O	3	
602.3 602.5 Ade	equate source of heat (2)		C	(O	25	5
	o separate & remote electrical	receptacle outlets	C	(0	1	
This is	of	bedrooms in					quare feet Section I - Bedroom Total of Non-Compliance Points NA
Bedroom #	total	dwelling unit (3)	(mi	n. 7	0 sq	ft per	r 404.4.1): Total of Non-Compliance Points
IDMC	BEDROOM	NO ADD'L	1000000000	S N/		O N-C	
IPMC		11071551	~		_) 1	
	Ill surface in good repair		1			-	
	ndows and frames in good repa	air 			A) 1	
	or surface in good repair	T - F	1	-	100) 1	
	or, in good repair, securely atta		(_		7) 1	
	nimum of 1 openable, approved	d-size window facing	C	(\bigcirc	1	
	irectly to outdoors. (1) visible mold, signs of moisture	or leaks	+		00	3	
		OI ICANS	1	340			
602.5 Ade	equate source of heat (2)		((25	;
605.2 Tw	o separate & remote electrical	receptacle outlets			of the) 1	
This is Bedroom #	of total	bedrooms in dwelling unit (3)	(mi				quare feet Section I - Bedroom N404.4.1): Total of Non-Compliance Points
NOTES							
	EFFICIENCY INIT!					N-C	
IPMC J	EFFICIENCY UNIT/ STUDIO APARTMENT	NOT APPLIC	100				
	all surface in good repair	— AFFLIC	0	(0)		1	
		nir	8	0	6	1	
	ndows and frames in good repa	dII	$\frac{\circ}{\circ}$	0	6	1	
	or surface in good repair nimum of 1 openable, approved	d cizo window facing		1000			
403.1 d	irectly to outdoors. (1)		0	•	0	1	
	chen sink, cooking stove, refrig		0	•	0	25	
	parate bathroom with toilet, sin		0	0	0	25	
504.1 No	visible mold, signs of moisture	or leaks	\bigcirc	•	0	3	
505.4 Wa	ater heater correctly installed		0	•	0	3	
602.3 602.5 Add	equate source of heat (2)		0	•	0	25	
	o separate & remote electrical	receptacle outlets	0	•	0	1	
	Size, in square feet: (Min. size	: 220 sq ft for 2 occupa	ints,				Section J – EFFICIENCY UNIT/STUDIO APT Total of Non-Compliance Points NA

	COMPLIES WITH STANDARD?											
IPMC	K OTHER	YES	N/A	NO 🗸	N-C PTS	COMMENTS						
402.2	LIGHTING FIXTURES REQUIRED: Public hall	•	0	0	1							
402.2	Interior stairway	•	\bigcirc	0	1							
402.3	Toilet room	•	0	0	1							
402.3	Kitchen	•	\bigcirc	0	1							
402.3	Bathroom	•	\bigcirc	0	1	,						
402.3	Laundry room	•	\bigcirc	0	1							
404.1	Dwelling provides privacy/separated from adjoining units	•	0	0	25							
504.3	No plumbing system hazards found	•	\bigcirc	0	25							
603.1	Mechanical equipment properly installed & maintained	•	0	0	25							
603.5	Combustion air supply is adequate for fuel-burning equip	•	0	0	25							
604.1	Unit has electrical service provided by utility	•	0	0	25	ı						
604.3	No electrical system hazards found	•	0	0	25	*						
						Section K – OTHER Total of Non-Compliance Points						

IPMC	L MEANS OF EGRESS; FIRE PROTECTION	YES 🗸	N/A		N-C PTS		
	Safe, continuous, unobstructed path of travel	•	0	0	25	5	
702.3 702.4	Doors, bars, grilles, grates over emergency escape openings are readily operable from inside, without keys or special knowledge	•	0	0	25	5	
702.4	Adequate emergency egress from all habitable spaces	\odot	0	0	25	5	
703.2	Fire doors not blocked, obstructed or inoperable	•	0	0	25	5	
704.2.1	SMOKE DETECTORS REQUIRED: on each story	•	0	\bigcirc	25	5	
704.2.2	Inside each bedroom	•	0	0	25	5	
704.2.3	On ceiling or wall outside of each sleeping area	•	0	0	25	5	
	CARBON MONOXIDE DETECTORS REQUIRED (on each story, in immediate vicinity of each sleeping area)	•	0	0	25	5	

Section L - MEANS OF EGRESS; FIRE PROTECTION Total of Non-Compliance Points

- NOTES: (1) Screens required on openings used for ventilation. Minimum total glazed area shall be at least 8% of floor area. Openable area shall be at least 4% of floor area.
 - (2) Capable of maintaining 68°F temperature 3 feet above floor & 2 feet inward from center of exterior wall. Space heaters not permitted as only source of heat.
 - (3) For additional rooms, attach supplementary inspection forms as necessary.

INSPECTOR COMMENTS:	
Inspection date:	Inspector's signature:
Landlord/owner signature:	Inspector's name (print): KIA M. SHAGENA

➤ INSPECTION SCORE: Total non-compliance points (25+ points = inspection failure)

0

City will issue "Certificate of Compliance" for units accruing less than 25 points. Units accruing 25 points or more constitute a failure. Landlord has 30 days to correct deficiencies and obtain re-inspection. A unit must pass inspection in order to receive Certificate of Compliance and Residential Rental Housing Business License and be considered fit for occupancy. Certificates of Compliance are valid for four calendar years from date of inspection. Properties must be reinspected prior to expiration.

