



INFORMATIONAL MEMORANDUM

TO: Planning and Community Development Committee

FROM: Nora Gierloff, Community Development

BY: Kia Shagena, Code Enforcement Officer

CC: Mayor Ekberg

DATE: July 19, 2020

SUBJECT: Code Enforcement and Rental Housing Program Update

ISSUE

Review Code Enforcement and Rental Housing current activity to better understand ongoing issues.

BACKGROUND

The Tukwila Code Enforcement Team works to support a safe, inviting, and healthy environment for residents, businesses, and visitors by enforcing the parts of the Tukwila Municipal Code that relate to conditions of private property. Compliance is typically reached through promoting public awareness, communication, and collaboration. In difficult cases monetary penalties and or legal action may be required. In addition to general code enforcement, the Code Enforcement Team is also responsible for managing and administrating the Residential Rental License and Inspection Program.

The City established the Residential Rental Business License and Inspection Program in 2010. This program was established for rental units to protect the public health, safety and welfare by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions, and by preventing conditions of deterioration and blight that could adversely impact the quality of life in the City of Tukwila.

Last year Council adopted a resolution waiving rental license and inspection late fees due to COVID but rental inspection deadlines were not extended at that time.

DISCUSSION

Briefing on current Code Enforcement activity:

Tukwila Municipal Code Chapter 8.45 establishes a system to enforce the development, land use, and public health regulations of the City. The Code Enforcement team utilizes established standard operating procedures to identify, track, and resolve violations. Attachment A illustrates these procedures.

As of July 13, 2021, Code Enforcement has 186 open enforcement cases. Of these cases 123 cases are related to permits, 25 cases are related to garbage, 17 are related to overgrowth, and 11 are related to sensitive area violations. 6 cases are actively being appealed.

Many cases are straight forward and are easily resolved, while other cases are a bit more challenging and time consuming. Attachment B details four examples of some of our more challenging cases.

Briefing on the Rental Housing Licensing and Inspection Program:

Tukwila Municipal Code Chapter 5.06 establishes regulations pertaining to rental housing license and inspection. Residential rental properties are required to obtain an annual rental business license. As of July 13, 2021, The Rental Housing Program has 4311 registered rental units and 572 active rental licenses (one license per property). All program late fees for 2020 and for 2021 (through September 30, 2021) were waived in response to the ongoing COVID-19 pandemic. As of July 13, 2021, 61 properties have yet to renew their 2021 rental license.

Rental Inspection Deadline Extension

In addition to annual licensing, all rental housing units in the City must pass an inspection every 4 years. 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 and audit inspections submitted by private inspectors when inspection reports are in question.

1810 rental units are due for their next inspection. Not including new rental licenses, 737 units were due for inspection by or before September 30, 2020. 1074 units are due for inspection in 2021. Due to the pandemic nearly all property owners have postponed their inspections. In response to the pandemic staff developed a virtual rental inspection beta program to address inspection needs, however, few property owners have taken advantage of the option to date. With the reopening of City Services to the public the Rental Housing Program has started scheduling in person rental inspections again.

In response to the large backlog of inspections that was created due to the pandemic staff has proposed a 2-year extension to all inspection deadlines. Extending all inspection deadlines will eliminate the backlog and will allow staff to focus on the properties that would have been the most overdue without an extension.

FINANCIAL IMPACT

The Residential Rental License and Inspection Program YTD revenue for 2021 is \$47,044 with \$244 in inspection fees paid. 2020 revenue was \$55,123 with \$2035 in inspection fees paid. 2019 revenue was \$52,313 with \$10,465 in inspection fees.

With a return of inspections, revenues from inspection fees will increase.

RECOMMENDATION

Information and discussion only

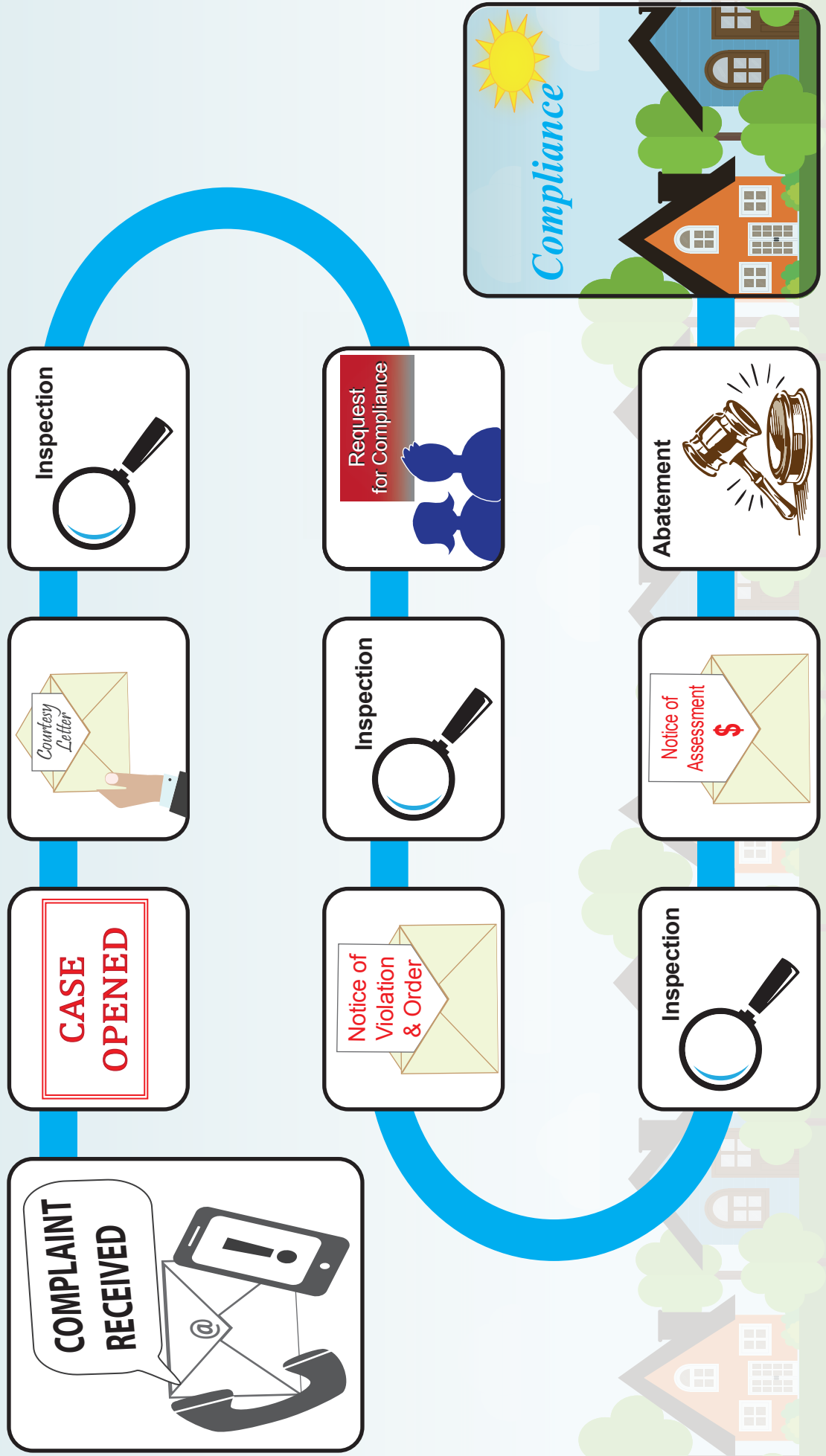
ATTACHMENTS

Attachment A. Code Enforcement Flowchart

Attachment B. Case Review (CE18-0149; CE20-0041; CE21-0026; CE21-0027)



CODE ENFORCEMENT - FLOWCHART



Case: CE18-0149

Address: 4### S 150th St

Violation: Building Permit Required & ADU registration

Date opened: June 1, 2018

History of case:

1. On December 2, 2020, two Notice of Violation and Orders (NOVO) was issued. One for ADU Standards / Registration Required and the second one for Building Permits Required.
2. The Building Permit Required NOVO was issued separately since this a repeat violation.
3. On December 15, 2020, the NOVO for ADU Standards / Registration Required was appealed. The second NOVO for Building Permits Required was not appealed.
4. On February 2, 2021, a hearing was held for the violations of Sections 18.50.220 and .230 of the Tukwila Municipal Code (TMC) associated with unpermitted construction activity and violations of the municipal code's requirements concerning Accessory Dwelling Unit (ADU) standards and registration requirements.
5. On March 5, 2021, the Hearing Examiner's Decision was issued.

DECISION AND ORDER

*Because substantial evidence supports the conclusion that the Appellant violated TMC 18.50.220 and .230, by performing or directing extensive construction work be performed on Building 2, at 4### S. 150th Street, without benefit of permits or inspections, and continues to rent the property to others without it being appropriately registered, the appeal is **DENIED**. The Appellant is directed to:*

- 1. Immediately remove listings advertising Building 2 on any and all residential rental websites including but not limited to Airbnb. Fines of \$250/day will begin accruing for any continued rental of Building 2 prior to necessary permits, inspections, and registrations being obtained.*
 - 2. Immediately discontinue all use and occupancy of Building 2 until all applicable permits have been submitted, inspected, approved, and issued. As noted above, fines of \$250/day will begin accruing for any continued use of Building 2 prior to necessary permits, inspections, and registrations being obtained.*
 - 3. Prior to further rental of Building 2, after all necessary permits and inspections have been obtained, Mr. ### shall obtain necessary permits and submit required registration information to the City, including submitting a complete and signed registration form, signing and recording an affidavit of owner occupancy, and obtaining a Residential Rental Business Inspection and License. An additional fine of \$250/day (separate from the \$250/day fine detailed above related to use of Building 2) will begin accruing.*
6. On March 26, 2021, the Appellant appealed the Hearing Examiner's Decision to the Superior Court.
 7. At this time, the City is waiting for the Superior Court's Decision.



August 8, 2019



September 25, 2019



December 11, 2017



AirBnB Listing July 8, 2021



The last two photographs are taken from the AirBnB listing in December 2020. The left photograph is the second floor of the subject building and the drop down ladder leads to the attic space which is habitable. The right photograph is the attic space and the window is located in the north wall. There are no permits for this window and there is no egress from the attic space except for the drop down ladder.

Case: CE20-0041

Address: 14### 57th Ave S

Violation: Building Permit Required

Date opened: February 27, 2020

History of case:

1. On August 4, 2020, Notice of Violation and Order (NOVO) was issued for Building Permits Required.
2. On August 12, 2020, the NOVO for Building Permits Required was appealed.
3. On September 22, 2020, a hearing was held for unpermitted construction activity in violation of Tukwila Municipal Code (TMC) 16.04.020 and to unauthorized removal of posted City notices in violation of TMC 8.45.020.
4. On October 5, 2020 the Hearing Examiner's Decision was issued.

DECISION AND ORDER

*Because substantial evidence supports the conclusion that the Appellant violated IBC 105.1, as adopted by TMC 16.04.020, by performing or directing extensive construction work to his house at 14### 57th Avenue South without required permits and that the Appellant violated TMC 8.45.020.B.3 by removing from the house lawfully posted City notices, the appeal is **DENIED**. The Appellant is directed to achieve compliance with the Tukwila Municipal Code no later than 60 days from the date of this decision by taking the following actions:*

- 1. Discontinue all construction on the property until all applicable permits have been submitted, approved, and issued for all work. All work must be inspected and approved by City inspectors before each issued permit is considered complete.*
 - 2. Submit complete plans with applications for all applicable building permits for any and all new construction on the property, including a building permit for the new two-story addition on the rear (west side) of the house, plus all applicable electrical, mechanical, and plumbing/gas piping permits associated with any new construction and renovations. These plans must include the addition of an attached deck structure and steps leading from the second floor on the north side of the house, the addition of a covered front entry and concrete steps, and all other alterations including but not limited to the replacement of windows, exterior siding, roofing (if sheathing was replaced), water heater, and HVAC.*
 - 3. Obtain a separate permit for the construction of the large detached shed structure of 120 square feet or more total floor area (located in the north side yard).*
5. On March 26, 2021, the Appellant appealed the Hearing Examiner's Decision to the Superior Court.
 6. On April 2, 2021, the City Attorney received notice from the Appellant's attorney of voluntary dismissal of the Appeal to the Superior Court.
 7. The new compliance date to submit all applicable permits and associated plans was May 31, 2021.
 8. On June 15, 2021, no permits or plans had been submitted to the City.
 9. On June 15, 2021, the subject house was posted with "Unsafe To Occupy Do Not Enter". The Compliance date to vacate the house and secure it from unauthorized entry was June 30, 2021.

- 10. On July 2, 2021, no permits or plans had been submitted to the City.
- 11. On July 1, 2021, the subject house was posted with "Water Shut-Off Notice."
- 12. On July 9, 2021, the water was turned off at the subject property.

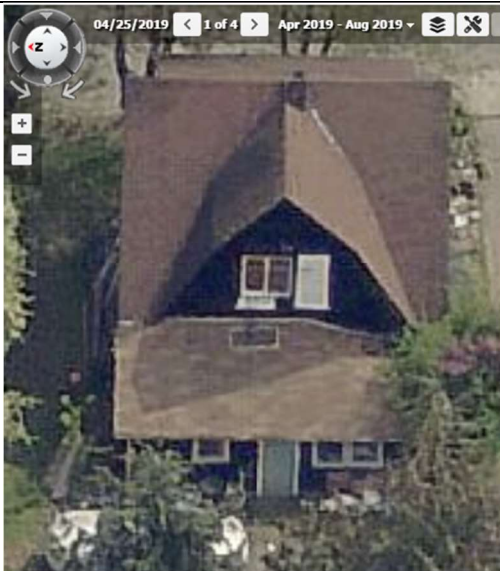
Current owner purchased home on May 31, 2019



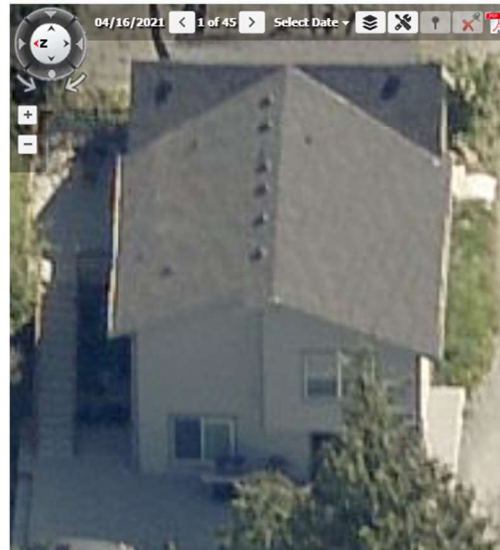
Google Street View July 2019



King County Assessors April 6, 2021



King County Assessors April 25, 2019



King County Assessors April 16, 2021

Case: CE21-0026 & CE21-0027

Address: 3### S Boeing Access Rd & 11### E Marginal Way S

Violation: Violation of Grading Standards, Unpermitted Use and Alterations of Wetlands, Filling and Grading without a Permit, Violation of Nonconforming Uses, Removal of Trees without a Permit, Unclassified Use Permit, & Accumulation of Garbage and Rubbish

Date opened: April 8, 2021

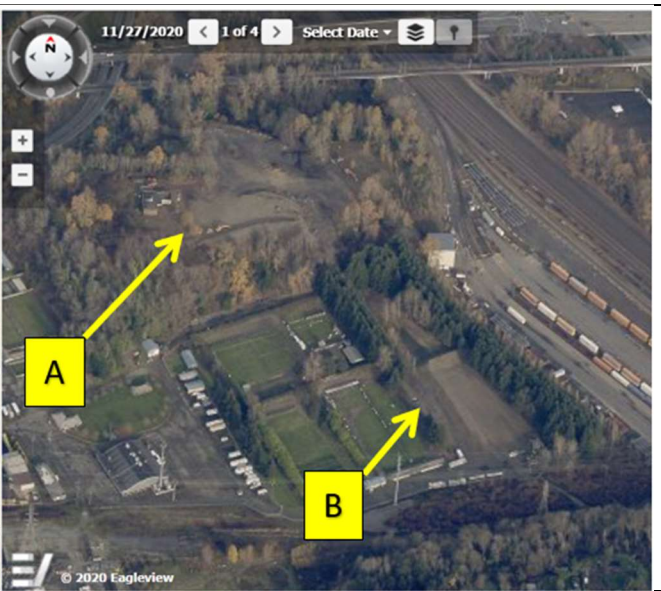
Environmentally Sensitive Area: Two Category III Wetlands and associated 80-foot buffers. And one uncategorized wetland.

History of case:

1. On April 21, 2021, Request for Compliance (RFC) was issued.
2. On May 12, 2021, a TEAMS meeting was held with the property owner to discuss the RFC letter.
3. On June 7, 2021, a TEAMS meeting was held with the property owner to continue the discussion of the cited violations and the corrective measures in the RFC letter.
4. On June 11, 2021, a site visit was conducted with the City's Assistant City Attorney and Code Enforcement Officer and with the property owner and their attorney. The visit was to clarify compliance procedures and to negotiate compliance deadlines.
5. Continued conversations through email with the property owner from June 8, 2021 through July 2, 2021.
6. On July 2, 2021, the property owner submitted their Erosion and Sediment Control plans.
7. The compliance for each violation has been determined by what is the most critical corrections need to be completed first. For example, the erosion and sediment control measures must be installed and finalized before October 1, 2021. The remaining violations will be corrected in 2022 and possibly 2023 due to budgetary constraints.
8. This case is ongoing and due to the magnitude of the violations and the acreage they cover, this case will continue through 2025 or longer. For example, monitoring of the remediation of the wetlands may be as long as 5 years.



April 22, 2019



November 27, 2020



A



B