

ORDINANCE NO. 644

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 5.60 Lakewood Municipal Code; creating a residential housing safety program.

WHEREAS, some rental housing units with substandard conditions exist within the City of Lakewood; and

WHEREAS, improving residential housing and providing for neighborhood stability throughout the City requires periodic inspection of rental housing units in the City to determine if such premises endanger or impair the health, safety or welfare of a tenant or affect neighborhood stability; and

WHEREAS, RCW 59.18.125 authorizes local governments to require that landlords provide a certificate of inspection as a business license condition; and

WHEREAS, in order to provide for such periodic inspection of residential housing programs, a residential rental safety program, as a business license condition is appropriate.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1: Chapter 05.60 of the Lakewood Municipal Code entitled, "Rental-Housing Complex License Crime-Free Strategies," is retitled, "Rental Housing Licensing."

Section 2: A new section, 05.60.005 of the Lakewood Municipal Code, entitled, Declaration of Purpose," is created to read as follows:

The City of Lakewood finds that the imposition of a residential rental inspection program will protect the public health, safety, and welfare of tenants by encouraging the proper maintenance of residential rental 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 Lakewood.

Section 3: Section 05.60.010 Lakewood Municipal Code entitled "Definitions," is amended to read as follows:

For the purposes of this chapter, the following words or phrases have the meaning proscribed below:

"Accessory dwelling unit" or "ADU" means a housing unit that is accessory to a single-household dwelling and meets the requirements of LMC 18A.70.313 for accessory dwellings.

"Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

"Director" means the City Manager or designee assigned with the enforcement of this chapter.

"Non-owner Managers" as used in this Chapter, means any person(s) hired or engaged for the purpose of providing management services for any ~~rental-housing complex(es)~~ Residential housing unit within the City of Lakewood, where the Manager(s) has/have no ownership in the ~~rental-housing complex~~ Residential housing unit being managed.

"Owner" means any person who, alone or with others, has title or interest in any building, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building. This definition includes, without limitation, the owner, lessor, or sublessor of the rental unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

"Qualified inspector" means: a United States housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

"Rental-housing Complex" as used in this Chapter, means any complex of five (5) or more residential units on one property or on adjacent property owned by the same person or persons, or business entity, or multiples thereof and/or combinations thereof, or five (5) or more residential rental properties located within the City of Lakewood not on adjacent properties but owned, in whole or in part, by the same owner(s).

"Rental-housing Complex Owners" as used in this Chapter, means the individual or individuals, partnership(s), corporation(s) or any combination thereof owning or having an ownership interest in any ~~rental-housing complex or complexes~~ residential housing unit within the City of Lakewood.

“Rental unit” means a residential housing unit occupied or rented by a tenant or available for rent by a tenant.

“Residential housing unit,” for purposes of this chapter, means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex. This definition includes, but is not limited to any structure or part of a structure in the City of Lakewood that is used or may be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, and apartment buildings, and mobile homes.

“Shelter” means a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit agency or governmental entity, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

“Tenant” means a person occupying or holding possession of a building or premises pursuant to a rental agreement.

“Transitional housing” means residential housing units owned, operated, or managed by a nonprofit agency or governmental entity in which supportive services are provided to individuals or families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months.

“Unit unavailable for rent” means a residential housing unit that is not offered or available for rent as a rental unit, and that prior to offering or making the unit available as a rental unit, the owner is required to obtain a residential rental business license for the building in which the unit is located and comply with applicable administrative regulations adopted pursuant to this chapter.

Section 4: A new section, 05.60.025 of the Lakewood Municipal Code, entitled, “Scope,” is created to read as follows:

The provisions of this chapter apply to all residential housing units, with the exception of:

A. ~~Owner-occupied rental units~~; Rental housing units occupied by owner or by parent or child of owner;

B. Units unavailable for rent;

C. Any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than thirty days, provided that if any guest resides for a period of thirty days or more, then such facility shall be subject to this chapter.

D. Housing accommodations in retirement or nursing homes;

E. Housing accommodations in any hospital, State-licensed community care facility, convent, monastery or other facility occupied exclusively by members of a religious order, or an extended medical care facility;

F. Rental units that a government unit, agency or authority owns, operates or manages, or that are specifically exempted from municipal regulation by State or federal law or administrative regulation. This exception does not apply once the governmental ownership, operation or management is discontinued;

G. Newly constructed rental units with satisfactory certificate of occupancy and no code violations for ten years from the date of the certificate of occupancy.

GH. Rental units:

1. That receive funding or subsidies from the federal, state or a local government;

2. That are inspected at least every three years as a requirement of the funding or subsidy;

3. That provide a copy of the inspection to the City; and

4. For which the Director determines that the inspection is substantially equivalent to the inspection required by this chapter;

HI. Accessory dwelling units;

IJ. Shelters and transitional housing.

J. Housing units which may be exempt from inspection as may otherwise be provided by law.

Section 5: A new section, 05.60.080 of the Lakewood Municipal Code, entitled, "Inspection and certificate of compliance required," is created to read as follows:

A. Rental-housing Complex Owners are required to provide a certificate of inspection as a business license condition during the year such is required by the City. A certificate of inspection shall be required no more than once every five years. ~~The Director may waive this requirement for properties which have provided a certificate of inspection within the previous ten years and which have had no code violations since that time.~~

B. Proof of an inspection by a government agency or other qualified inspector within the previous twenty-four months will satisfy the requirement for a certificate of inspection.

C. The Director is hereby authorized to adopt administrative procedures consistent with this chapter and chapter 59.18 RCW.

Section 6: A new section, 05.60.100 of the Lakewood Municipal Code, entitled, "Unlawful to Rent Noncompliant Rental Units," is created to read as follows:

It shall be unlawful to rent a rental unit, or to allow a tenant to continue to occupy a rental unit that does not satisfy the requirements of LMC 5.60.080. The Director may notify the owner that until a certificate of compliance is provided, it is unlawful to rent or to allow a tenant to continue to occupy a rental unit.

Section 7: A new section, 05.60.110 of the Lakewood Municipal Code, entitled, "Rule Making," is created to read as follows:

A. The Director is authorized to adopt, publish and enforce rules, regulations and forms consistent with this chapter for the purpose of carrying out the provisions of this chapter.

B. The Director or designee shall maintain information related to the implementation of the City of Lakewood rental housing safety program. No less than annually the Director shall present current information regarding the effectiveness of the program to the Lakewood City Council.

Section 8: A new section, 05.60.120 of the Lakewood Municipal Code, entitled, "License Denial, Suspension or revocation," is created to read as follows:

A. If an application for a business license by an entity subject to regulation under this chapter is denied, suspended or revoked, no reapplication for a license will be considered by the City until correction of any and all deficiencies on which the denial, suspension, or revocation was based.

B. In the event that a property subject to regulation under this chapter is closed by the City or any agency acting on behalf of or in coordination with the City stemming from enforcement of the provisions of this Chapter or any applicable health, building, fire, housing or life-safety code, or other serious violations, it shall be a prerequisite condition for the license to be reinstated or the property to be allowed to re-open that the operator of the property reimburse the City for any transitional costs or tenant re-location costs incurred by the City that are directly attributable to such closure. For the purposes hereof, "transitional costs and/or tenant re-location costs" include but are not limited to those items set forth in RCW 59.18.085, tenant travel costs and temporary hotel vouchers or other expenses incurred to procure alternate housing following tenant displacement for a reasonable time to alleviate the impacts of displacement, whether incurred by the tenant, the City or third-parties.

C. All such license application denials, suspensions or revocations shall be in writing. Appeals of actions taken under this chapter, except as provided by LMC 5.60.130 or LMC 5.60.150, shall be governed by the provisions of chapter 5.02 LMC.

Section 9: A new section, 05.60.130 of the Lakewood Municipal Code, entitled, "Immediate Health and Safety Threats," is created to read as follows:

Nothing in this chapter shall limit the City's remedies as allowed by this Code or law nor shall anything in this chapter be construed as a limitation on the City's ability to inspect properties, obtain warrants and take any other such proper action, whether criminal, civil, administrative or otherwise for property-related conditions that may constitute an immediate health or safety threat.

Section 10: A new section, 05.60.140 of the Lakewood Municipal Code, entitled, "No Warranty by City," is created to read as follows:

By enacting and undertaking to enforce this chapter, neither the City, its agents or employees, nor the City Council warrant or guarantee the safety, fitness or suitability of any dwelling in the City or any unit inspected under this chapter. Owners and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety and welfare.

Section 11: A new section, 05.60.150 of the Lakewood Municipal Code, entitled, "Penalties," is created to read as follows:

A. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter or any rules or regulations adopted by the Director pursuant to this chapter may be punished by an infraction of \$150.00 per day for the first ten days that the violation or failure to comply exists and \$500.00 per day for each day thereafter. Each person is guilty of a separate violation for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person. No part of this fine may be reduced, modified or suspended except upon a showing that the violation has been remedied or with the consent of the Director.

B. Any person who knowingly submits or assists in the submission of a falsified certificate of compliance, or knowingly submits falsified information upon which a certificate of compliance is issued, in addition to the penalties provided in subsection A of this section shall be guilty of a gross misdemeanor and must be punished by a fine of not more than five thousand dollars.

Section 12: A new section, 05.60.160 of the Lakewood Municipal Code, entitled, "Consistency with RCW 59.18," is created to read as follows:

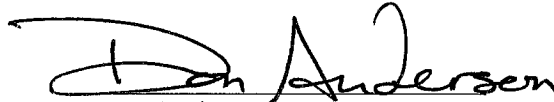
The provisions of this chapter shall be interpreted in a manner that is consistent with the provision of chapter 59.18 RCW, and in particular, RCW 59.18.125.

Section 13: If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 14: This Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 1st day of August, 2016.

CITY OF LAKEWOOD

  
Don Anderson, Mayor

Attest:

  
Alice M. Bush, MMC, City Clerk

Approved as to Form:

  
Heidi A. Wachter City Attorney