

# Code Compliance

— guidelines on Seattle regulations governing safety and quality of life

## Seattle Laws Regarding Building Maintenance and Repair

October 2, 2008

The Department of Planning and Development (DPD) administers and enforces Seattle's *Housing and Building Maintenance Code* (SMC 22.200 - 22.208) and several other city ordinances affecting landlords and tenants. Members of DPD's Code Compliance staff are available to assist tenants and owners in understanding City code requirements.

This Client Assistance Memo is a general guide to the rights and responsibilities of Seattle tenants and rental property owners under city laws. For specific information on housing code requirements, consult the Housing and Building Maintenance Code (HBMC) or contact:

**Department of Planning and Development  
Code Compliance Division**  
(206) 615-0808

**Location:** 19th Floor, Seattle Municipal Tower  
**Mailing Address:** 700 Fifth Ave., Suite 2000  
P.O. Box 34019  
Seattle, WA 98124-4019

The *Washington State Residential Landlord/Tenant Act* (RCW 59.18) also establishes rights and responsibilities for tenants and landlords. For further information about state law, contact one of the organizations listed at the end of this publication or go to <http://apps.leg.wa.gov/RCW/> and type in RCW 59.18.

### What the City requires of rental property owners

Under the HBMC, building owners in Seattle have an obligation to provide safe, clean, secure living conditions. Generally, owners have the responsibility to:

- Keep the premises fit for human habitation and keep any common areas reasonably clean and safe
- Provide for control of insects, rodents and other pests
- Maintain all structural components (roof, walls and foundation) and keep the unit weathertight
- Maintain all electrical, plumbing, heating and other equipment and appliances supplied by the owner
- Provide adequate containers for garbage
- When responsible for heating rental units, maintain daytime (7:00 a.m. to 10:30 p.m.) temperatures at no less than 65 degrees Fahrenheit and nighttime temperatures at no less than 58 degrees Fahrenheit from September through June
- Change lock mechanisms and keys in non-transient accommodations upon change of tenancies, and provide unit and building entrance door keys to tenants
- Install smoke detectors and instruct tenants as to their operation and maintenance

Owners are not responsible for cosmetic repairs such as new carpeting and a fresh coat of paint after each tenancy. Code Compliance staff can answer questions about whether a property owner is responsible for a particular repair. Call (206) 615-0808 for more information.

### Obligations of tenants

Tenants must meet an owner's reasonable expectations to maintain rental housing in a safe, clean manner, normal wear and tear excepted. Tenant responsibilities include:

- Proper disposal of garbage
- Care in use of electrical and plumbing fixtures
- Prompt repair of any damages caused by tenants or their guests
- The granting of reasonable access to the owner for maintenance, repair and pest control
- Maintaining smoke detectors in good working order
- Refraining from storing hazardous materials on the premises



## Available remedies if repairs are needed

Tenants may take the following actions if repairs are needed:

- 1. Contact the owner.** A telephone call or letter is usually the way most tenants and owners resolve any problems. In most cases this will resolve the problem, but a written request for repairs is often required by law before tenants can exercise any other remedy. Remember to keep copies of all correspondence.
- 2. Report the problem to DPD.** If the owner or manager does not make the repair in a reasonable time, you may schedule an inspection by DPD. If the condition is in violation of the HBMC or the repair fails to rectify an HBMC violation, the inspector will require the owner to take corrective action. See the next section for more details.
- 3. Use other remedies available including self-help repair, mediation, placing rent in escrow, and finally, moving out.** *The Washington State Residential Landlord/Tenant Act (RCW 59.18)* has limited remedies for tenants in situations where building owners fail to make code-required repairs within a reasonable time of being notified of the need. You must be current in your rent and utilities to exercise these options. These remedies *may* involve some form of rent withholding or reduction. As a general rule, however, simply withholding rent is not a suitable remedy; in fact, a tenant may be evicted for failure to pay rent. State law has specific rules about making deductions from rent or paying rent into an escrow account. For information on this subject, contact one of the tenants' assistance groups listed at the end of this publication.

## Reporting a problem to DPD

Tenants may report the problem to DPD if the owner or manager does not make a repair in a reasonable time. Write, call or go in person to DPD Code Compliance, located on the 19th floor of Seattle Municipal Tower at 700 Fifth Ave., Seattle, WA, 98104, (206) 615-0808.

- Call DPD to report the problem if a property owner or manager does not respond to repair requests and a complaint seems to be the only alternative remaining. Your name will be kept confidential if you so request.
- Specify everything needing inspection and give the address of the building, including the unit number.
- Include a telephone number when asking DPD for assistance so the department can call to arrange

a time for an inspection. The person requesting assistance should be present during the inspection.

- If the inspector finds violations, the inspector will prepare a notice showing when the repairs must be made, notify the responsible party of the violation, and post the notice on the premises.
- The time for compliance is generally 30 to 60 days, depending upon the nature of the violations and any extensions the owner may receive. Forty-five days is the average time for compliance.
- If the owner does not make the required repairs, DPD will follow up through court action to attempt to attain compliance.

## Actions that are considered to be harassment or retaliation

The HBMC prohibits certain actions taken against either a tenant or an owner. This section of the HBMC is enforced by the Seattle Police Department and carries criminal penalties.

The following actions constitute harassment or retaliation against the **tenant**:

1. Changing locks on unit doors
2. Removing doors, windows, fuse box or other fixtures
3. Discontinuing gas, electricity, water or other utilities supplied by owner
4. Removing a tenant from the premises except through the legal eviction process
5. Evicting, increasing rent or threatening a tenant because that tenant has reported violations of the HBMC to DPD or has exercised any legal rights arising out of the tenant's occupancy of the building
6. Entering a tenant's unit, except in an emergency or with the tenant's consent after giving appropriate notice of intent to enter

The following actions constitute harassment or retaliation against the **owner**:

1. Changing locks on unit doors
2. Removing owner-supplied fixtures, furniture or services
3. Willfully damaging the building

Instances of harassment or retaliation against an owner or a tenant should be reported to the Seattle Police by calling the non-emergency number at (206) 625-5011.

## What sources can provide more information?

Other groups that can provide information to tenants and rental property owners include:

**1. DPD Code Compliance Division**  
**(206) 615-0808**  
**[www.seattle.gov/dpd/csc](http://www.seattle.gov/dpd/csc)**

Takes complaints concerning potential violations of the Housing and Building Maintenance Code.

**2. Rental Housing Association of Puget Sound**  
**(206) 283-0816**  
**[www.rha-ps.com](http://www.rha-ps.com)**

Provides information on legal rights and responsibilities under the State Residential Landlord/Tenant Act and other codes. RHAPS is the professional organization of Puget Sound rental property owners.

**3. Solid Ground**  
**(206) 694-6767**  
**[www.solid-ground.org](http://www.solid-ground.org)**

Provides information and counseling on legal rights and responsibilities under the State Residential Landlord/Tenant Act and other codes.

**4. Tenants Union**  
**(206) 723-0500**  
**[www.tenantsunion.org](http://www.tenantsunion.org)**

Provides information and counseling on landlord/tenant problems. The Tenants Union also provides workshops, training and technical assistance for advocates and tenants groups on dealing effectively with landlords.

## Translations Available

Translated versions of this document and a summary of Washington state and Seattle landlord/tenant laws are available in the following languages: Cambodian, Mandarin Chinese, Korean, Laotian, Russian, Somali, Spanish, Tagalog and Vietnamese.

- Printed copies are available from the DPD Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.
- An electronic copy may be downloaded from **[www.seattle.gov/dpd/publications/landlord\\_tenant/landlordtenant.asp](http://www.seattle.gov/dpd/publications/landlord_tenant/landlordtenant.asp)**.

## Questions?

If you have questions about this document, please call DPD's Code Compliance Division at (206) 615-0808.

## Access to Information

Links to electronic versions of Seattle codes and DPD publications are available on the "Publications" and "Codes" pages of our website at **[www.seattle.gov/dpd](http://www.seattle.gov/dpd)**. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.