

Exhibit A to Ordinance No. 715
BMC Chapter 5.62
Rental Housing Inspection Program (RHIP)

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5.62.010 Purpose. The City of Burien finds that the establishment of a rental housing safety inspection program (“RHIP”) will protect the public health, safety, and welfare of tenants by encouraging the proper maintenance of rental housing by identifying and requiring correction of substandard housing conditions. By establishing this program, the City intends to prevent conditions of deterioration and blight that would adversely impact the quality of life in Burien.

5.62.020 Applicability – Conflicts. The provisions of this chapter shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision shall apply.

5.62.030 Definitions. For the purpose of this chapter, the following words or phrases have the meanings prescribed below:

- A. *Accessory dwelling unit or ADU* means a second, subordinate housing unit that is accessory to a single-family residence and which meets the definition and requirements of BMC 19.10.012.
- B. *Building* means a structure having a roof supported by columns or walls used for supporting or sheltering a use of any kind.
- C. *Building code* means all code provisions adopted in and throughout BMC 15.40
- D. *Business license* means a business license as required by BMC 5.05.
- E. *Certificate of inspection* means the document signed and dated by a qualified rental housing inspector and submitted to the City as the result of an inspection conducted by a qualified rental housing inspector that certifies that the residential housing units that were inspected comply

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with the requirements and standards of this chapter.

- F. *Declaration of compliance* means a statement submitted to the City by the owner or the landlord that certifies that, to the best of his or her knowledge, after an onsite review of the conditions of the rental unit, each residential housing unit complies with the requirements and standards of this chapter.
- G. *Department* means the City of Burien Department of Community Development.
- H. *Director* means the City of Burien Department of Community Development Director or his or her designee.
- I. *Fire code* means all code provisions adopted in and throughout BMC 15.20
- J. *Landlord* means the owner, lessor, or sub-lessor of the rental unit or the rental property of which it is a part and, in addition, means any person designated as representative of the owner, lessor, or sub-lessor including, but not limited to, an agent, a resident manager, or a designated property manager.
- K. *Mobile home* means a mobile home or a manufactured home as defined in Chapter 59.20 RCW.
- L. *Owner* means one or more persons, jointly or severally, in whom is vested:
1. All or any part of the legal title to property; or
 2. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.
- M. *Qualified rental housing inspector* and *RHI* mean a private inspector who possesses at least one of the following credentials and who has been approved by the director as an RHI based on a process developed by the director consistent with the intent of this chapter:
1. American Association of Code Enforcement Property Maintenance and Housing Inspector certification;
 2. International Code Council Property Maintenance and Housing Inspector certification;
 3. International Code Council Residential Building Code Inspector;
 4. Washington State licensed home inspector; or
 5. Other acceptable credential the director establishes by rule.
- N. *Rental property* means all residential dwelling units rented or leased on a single parcel of land managed by the same landlord.
- O. *Rental property complex* means all residential dwelling units rented or leased on a contiguous parcel or parcels of land managed by the same landlord as a single rental complex.

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- P. *Rental unit* means a residential housing unit occupied or rented by a tenant or available for rent by a tenant.
- Q. *Residential housing unit* means any building or part of a building in the City of Burien that is used or may be used as a home, residence, or sleeping place by one or more persons, including but not limited to single-family residences, accessory dwelling units, duplexes, triplexes, fourplexes, townhouses, multifamily dwellings, apartment buildings, condominiums, and similar living accommodations.
- R. *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.
- S. *Single-family residence* means a single detached building containing only one residential housing unit that is completely separated by open space on all sides from any other structure, except its own garage or shed.
- T. *Tenant* means a person entitled to occupy a residential housing unit pursuant to a rental agreement or who pays rent for occupancy or possession.
- U. *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.
- V. *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 registration for the rental property in which the unit is located and comply with applicable regulations adopted pursuant to this chapter.

5.62.040 Scope.

- A. *Exempt residential housing units.* This chapter does not apply to the following residential housing units:
1. Owner-occupied single-family residences;
 2. Units unavailable for rent;
 3. Housing accommodations in a hotel, motel, short term rentals such as Airbnbs, etc., or other similar transient lodging;
 4. Housing accommodations at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, religious, educational,

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recreational, or similar services, including but not limited to correctional facilities, licensed nursing homes, monasteries and convents, and hospitals;

5. Owner-occupied mobile homes or manufactured homes, both as defined in Chapter 59.20 RCW;
 6. Shelters and transitional housing; and
 7. Rental units that a government unit, agency, or authority owns, operates, or manages, or that are specifically exempted from such a registration requirement by state or federal law or administrative regulation. This exemption does not apply once the governmental ownership, operation, or management is discontinued.
 8. Accessory Dwelling Units.
- B. *Business license required.* As a condition of operation, each and every owner or landlord renting or leasing a residential housing unit within the city limits shall, in accordance with BMC 5.05, obtain and maintain a business license. The issuance of such a license shall be considered a privilege and not an absolute right of the landlord, and the possession of such license shall not entitle the landlord to a new business license for subsequent years.
1. *Exemptions.* Landlords are exempt from the requirement to obtain a business license for the following rental units:
 - a. Single-family residences;
 - b. Mobile homes or manufactured homes, both as defined in Chapter 59.20 RCW;
 - c. Condominiums and townhomes; and
 - d. All residential housing units exempt from the residential rental housing registration requirements under subsection (A) of this section.
 2. *Penalty for not obtaining business license.* In addition to the penalties set forth in BMC 5.05, there shall be assessed a penalty of \$100 per day for each day that a residential housing unit operates without a valid and current business license for the first 10 days of noncompliance with this chapter, and up to \$400 per day for each day in excess of 10 days of noncompliance with this chapter.
 3. *Display of program information.* Information regarding the rental housing and safety inspection program shall be posted on the inside of each residential housing unit or in a common area; provided, that the director may by rule establish one or more alternative or additional methods for conveying the information to tenants.
 4. *Declaration of compliance.* As a condition to the issuance and/or renewal of a business license, an applicant shall provide a valid declaration of compliance addressing each rental unit in the rental property prior to the issuance of a license. A declaration of compliance submitted under this chapter must state that each unit complies with the requirements of this chapter and that there are no conditions presented in the units that endanger or impair the health or safety of a tenant.

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5.62.050 Business license period – Application and relicensing – Fee. Pursuant to BMC 5.05.160, the business licensing period shall run from January 1 through the December 31st. Licenses issued shall be effective from the date of issue until the following December 31st, unless sooner suspended or revoked as provided in this chapter. Any application for a license required by this chapter shall be accompanied by an Initial certificate of inspection and a fee as established in BMC 5.05 and any resolution established in accordance with that chapter. Business license applications for residential rental housing shall comply with the requirements of BMC 5.05.100.

5.62.060 Denial or revocation of license – Appeal.

A. *Denial or revocation of license.* A business license issued to a residential rental housing unit or units may be denied or revoked for the following reasons:

1. Failure to obtain a certificate of inspection as required by this chapter;
2. The certificate of inspection or business license was procured by fraud or false representation of fact;
3. The applicant or registration holder has failed to comply with any of the provisions of this chapter;
4. The applicant or registration holder is in default in any fee due to the City under this chapter;
5. Any reason set forth in BMC 5.05.130 - .140
6. The property is subject to a notice of violation for a code violation which has been deemed committed or found to have been committed pursuant to BMC 1.15 or violation of the Revised Code of Washington.

B. *Process – Appeal.* The denial or revocation of a business license for a residential rental housing unit or units shall comply with the business license revocation procedures set forth in BMC 5.05.140. The denial or revocation of a business license required by this chapter may be appealed in conformance with the requirements of BMC 5.05.150.

C. If a business license issued for a residential rental housing unit(s) is revoked, or an application for a license is denied, the landlord will be granted a business license only after:

1. Any and all deficiencies on which the revocation or denial was based have been corrected;
2. In the event an inspection has been required, the applicant has provided to the City a valid certificate of inspection that meets the requirements of this chapter; and
3. The applicant pays a license fee as determined by ordinance.

D. Tenant relocation assistance shall be provided as required by RCW 59.18.085, and pursuant to the process set forth therein.

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5.62.070 Certificates of inspection.

- A. All residential rental properties subject to the requirements of this chapter must be inspected once every three years by a qualified rental housing inspector and will require a certificate of inspection within a time period established by the director. The property selection process shall be based on a methodology determined by the director that will further the purpose of this chapter.
- B. The director is authorized to create and publish a checklist to be used for declarations of compliance and inspections submitted or conducted under this chapter, and is authorized to include additional standards including, but not limited to, those within the building code, fire code, or RCW 59.18.060.
- C. All certificates of inspection submitted under this chapter must state that all units subject to inspection have been inspected, and that all units inspected comply with the requirements of the checklist.
- D. A certificate of inspection shall be based upon a physical inspection by the qualified rental housing inspector of the residential housing units conducted not more than 90 days prior to the date of the certificate of inspection.
- E. The certificate of inspection shall list and show compliance with the minimum standards for each residential housing unit that was inspected using the checklist provided by the City and shall contain such other information as determined by the director to carry out the intent of this chapter.
- F. *Limitations and conditions on inspection of units for certificate of inspection.*
 - 1. The unit selection process shall be based on a methodology determined by the director that will further the purpose of this chapter.
 - 2. The City may only require a certificate of inspection on a rental property no more frequently than once every three years in accordance with RCW 59.18.125.
 - 3. A rental property that has received a certificate of occupancy within the last four years and has had no code violations reported on the property during that period is exempt from inspection.
 - 4. For properties that require an inspection, the owner or landlord must send written notice of the inspection to all units at the rental property. The notice must advise tenants that some of the units at the property will be inspected and that the tenants whose units need repairs or maintenance should send written notification to the landlord as provided in RCW

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59.18.070. The notice must also advise tenants that if the landlord fails to adequately respond to the request for repairs or maintenance, the tenants may contact City of Burien officials. A copy of the notice must be provided to the inspector upon request on the day of inspection.

5. If a rental property has 20 or fewer rental units, no more than four rental units at the rental property may be selected by the City to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.
6. If a rental property has 21 or more rental units, no more than 20 percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of 50 units at any one property, may be selected by the City to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.
7. If an owner or landlord is asked to provide a certificate of inspection for a sample of units on the rental property and a selected unit fails the initial inspection, the City may require up to 100 percent of the units on the rental property to provide a certificate of inspection.
8. If a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection, the City may require 100 percent of the units on the rental property to provide a certificate of inspection.
9. An inspector conducting an inspection under this chapter may only investigate a rental property as needed to provide a certificate of inspection.

G. *Notice to tenants.*

1. The landlord shall provide written notification of his or her intent to allow an inspector to enter an individual unit for the purposes of providing the City with a declaration of compliance or certificate of inspection in accordance with RCW 59.18.150(6). The written notice must indicate the date and approximate time of the inspection and the company or person performing the inspection, and that the tenant has the right to see the inspector's identification before the inspector enters the individual unit. A copy of this notice must be provided to the inspector upon request on or before the day of inspection.
2. A tenant who continues to deny access to his or her unit is subject to the penalties in RCW 59.18.150(8).

5.62.080 Notice that rental is unlawful when certificate not provided. When a certificate of inspection or a declaration of compliance is required for a specified residential housing unit under this chapter and a valid certificate of inspection or declaration of compliance has not been

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provided to the City, the director is authorized to notify the owner or landlord that until a valid certificate of inspection or declaration of compliance is provided to the City, it is unlawful to rent or to allow a tenant to continue to occupy the residential housing unit. It shall be unlawful to rent or allow a tenant to occupy or continue to occupy such unit.

5.62.090 Other inspections. Nothing in this chapter precludes additional inspections conducted under RCW 59.18.150, Chapter BMC 1.15, or at the request or consent of a tenant, pursuant to a warrant, or pursuant to the tenant remedy provided by RCW 59.18.115 of the Residential Landlord-Tenant Act.

5.62.100 Director is authorized to make rules. The director is authorized to adopt, publish, and enforce rules and regulations, consistent with this chapter and the standards in this chapter, for the purpose of carrying out the provisions of this chapter and it is unlawful to violate or fail to comply with any such rule or regulation.

5.62.110 Correction notice prior to enforcement. Before the City suspends or revokes a registration or imposes the penalties set forth in this chapter, an attempt shall be made to give the owner or landlord a written notice by personal service or by certified mail, return receipt requested, stating the existence of a violation, that enforcement action is contemplated, and that such person shall have a specified period of time in which to correct the violation.

5.62.120 Immediate health and safety threats. Nothing in this chapter shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

5.62.130 Immunity, no warranty by City, and no private right of action. The purpose of this chapter is to promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms. Nothing contained in this chapter is intended nor shall be construed to create any liability on the part of the City or its employees for any injury or damage resulting from the failure of an owner, landlord, inspector, or other individual to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees. 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, nor suitability of any dwelling in the City or any unit inspected under this program. Owners, landlords, and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety, and welfare. Nothing contained in this chapter is intended to create a private right of action.

5.62.140 Notice – Additional penalties.

A. Prior to imposing any penalties set forth in this chapter, the City shall provide notice and an opportunity to correct pursuant to BMC 1.15.100

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- B. Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, is guilty of a gross misdemeanor and must be punished by a fine of not more than \$5,000 as provided in RCW 59.18.125.

- C. The penalties imposed in this chapter are not exclusive when the acts or omissions constitute a violation of another chapter of the Burien City Code. In addition to all other penalties, remedies, or other enforcement measures established within this chapter, or as otherwise provided by law, the acts or omissions that constitute violations of this chapter may be subject to penalties and enforcement provisions as provided by other chapters of the Burien City Code, and such penalties and enforcement provisions may be imposed as set forth therein. All remedies under this chapter are cumulative unless otherwise expressly stated. The exercise of one remedy shall not foreclose use of another. Remedies may be used singly or in combination; in addition, the City of Burien may exercise any rights it has at law or equity.

5.62.150 Consistency with Chapter 59.18 RCW. The provisions of this chapter shall be interpreted in a manner that is consistent with the provisions of Chapter 59.18 RCW.