

**ChangeLabSolutions**



**PROACTIVE RENTAL INSPECTIONS:**  
A Tool for Healthy Homes and Families

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Code Enforcement Officer  
Tukwila, WA



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**ChangeLab Solutions**

ChangeLab Solutions creates innovative law and policy solutions that transform neighborhoods, cities, and states. We do this because achieving the common good means everyone has safe places to live and be active, nourishing food, and more opportunities to ensure health. Our unique approach, backed by decades of solid research and proven results, helps the public and private sectors make communities more livable, especially for those who are at highest risk because they have the fewest resources.



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**Agenda**

1. What is Proactive Rental Inspection (PRI) and what are the benefits?
2. Key Questions to Consider when implementing PRI programs
3. Local Examples of PRI programs in:
  - Boston, MA
  - Tukwila, WA



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### WHAT IS A PROACTIVE RENTAL INSPECTION PROGRAM?

- Also known as systematic or periodic code enforcement
- Not complaint-based
- Requires regular, periodic inspections of covered properties
- Lots of options for how to structure



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### WHY HAVE PROACTIVE RENTAL INSPECTIONS?

- Substandard housing can result in lead poisoning, asthma, injuries and other health problems
- Vulnerable tenant communities are often less likely to report substandard housing conditions
- Proactive inspections help preserve quality of housing stock
- Can reduce the need for complaint-based inspections and other interventions



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### WHY HAVE PROACTIVE RENTAL INSPECTIONS?

- PRI brings a **prevention approach** to code enforcement
- PRI is a **social justice tool**, that can help ensure that code enforcement resources are spent equitably and that can raise the quality of housing for all residents



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**QUESTIONS TO CONSIDER WHEN DEVELOPING A PRI PROGRAM**

- Do we have the legal authority?
- How will we identify rental units?
- Which units should be inspected?
- How often will inspections take place?
- Will we allow self-certification?
- What will be the scope of inspections?
- How will we give notice?
- What will enforcement look like?
- How will the program be funded?
- How will we know it is working?

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**Model Proactive Rental Inspection Ordinance**  
(With Amendments)

May 2010

ChangeLab Solutions is a nonprofit organization that provides a public health-oriented approach to public health. The report was developed in collaboration with the American Public Health Association and the National Health Interview Survey. © 2010 ChangeLab Solutions

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**Model Proactive Rental Inspection Ordinance**

An Ordinance of the [ City / County ] of [ \_\_\_\_ ] Establishing a Proactive Rental Housing Inspection Program and adding Chapter \_\_\_\_ to the [ City / County ] Municipal Code.

The [ City / County ] does ordain as follows:

**SECTION ONE. Findings.** The [ City / County ] hereby finds and declares as follows:

**COMMENT:** In new legislation, cities and counties usually include "findings" of fact that support the purposes of the legislation. The findings section is part of the ordinance and legislative record, but it usually is not codified in the municipal codes. The findings contain factual information supporting the need for the law—in this case, documenting the need for and benefits of the ordinance. A city or county may select findings from this list to include in their legislation, and may draft and include additional findings addressing the specific conditions in the particular community.

(a) The [ City Council / County Board ] of the [ City / County ] recognizes that the preservation of existing rental housing stock is of tremendous importance. There are more than [insert number] of rental housing units within the [ City / County ]. Rental housing provides needed, affordable housing for many and is a valuable asset that must be preserved and maintained. The [ City / County ] has a significant interest in ensuring that rental housing remains a safe and desirable housing option for its citizens.

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**Option 1**      **Option 2**

(a) The [ City Council / County Board ] of the [ City / County ] recognizes that the preservation of existing rental housing stock is of tremendous importance. There are more than [insert number] of rental housing units within the [ City / County ]. Rental housing provides needed, affordable housing for many and is a valuable asset that must be preserved and maintained. The [ City / County ] has a significant interest in ensuring that rental housing remains a safe and desirable housing option for its citizens.

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### DO WE HAVE LEGAL AUTHORITY?

- Code enforcement is an exercise of a government's "police power"
- In most states, code enforcement administered by localities
- However, states can preempt local authority to adopt PRI programs



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### HOW WILL WE IDENTIFY UNITS?

- Rental Registration vs. Licensing
- Frequency of renewal
  - Annual
  - Fixed term
  - Upon change in ownership



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### WHAT HOUSING TO INCLUDE?

- Citywide or just some neighborhoods?
- Single family and/or multifamily?
- Common exemptions
  - Owner-occupied buildings
  - Government subsidized
  - New construction
  - Hotels/motels



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(D) "Director" means the Director of the [ department or agency of the jurisdiction charged with overseeing the Proactive Rental Inspection Program 1, or his or her designee.

(E) "Engage in the business of rental housing" means renting or offering to rent a rental housing unit.

"Engage" means a contract, agreement, partnership, limited liability company, or any other entity holding fee title to the subject real property.

(F) "Rental Housing Unit" means a single unit providing living facilities for one or more persons that has permanent provisions for living, sleeping, and sanitation and is rental or available for rent to tenants.

4. Exceptions: All Rental Housing Units shall be subject to the requirements of this Chapter, except for the following:

**COMMENT:** Cities and counties decide on the types of rental housing to include within their proactive inspection programs. Although the most comprehensive proactive code enforcement programs include all types of rental housing, some jurisdictions may limit the resources to administer such a broad program, particularly at the outset. For this reason, some jurisdictions consider restricting the types of housing that are subject to the program, and/or phasing the program in.

**Covered Housing**  
The types of housing included are determined by the most pressing needs in the community and by the availability of resources for inspection and enforcement. Below are the types of rental housing that some cities have excluded from their programs based on its needs and resources, a locality should determine which of the following types of housing is exempt from its program.

**Phasing in New Programs**  
When a city or county adopts a new proactive inspection program, it is unlikely that it will have the resources to inspect all units operated at the outset. Most communities implement the registration requirements on all covered rental housing units and phase in the systematic inspections over time. Instruments, for example, established a pilot order housing inspection program by targeting two neighborhoods, each of which contained a large number of rental properties with high incidence of ongoing building cases, code enforcement cases, and permits and the sale for service." Santa Cruz, California established the registration requirement on all covered rental housing, but limited the first phase of inspections to those buildings that have a record of violations or whose owners requested inspections."

(A) Rental Housing Units for transient lodging, including hotels, motels, inns, tourist homes. This exception does not apply to residential hotels.

**COMMENT:** Non-residential hotels, motels, and other transient housing are also commonly exempted from rental housing inspection ordinances. However, increases in transit use in residential areas have caused an increase in occupancy hotels on a long-term basis, so it is important to include them in proactive rental inspection programs.

(B) Rental Housing Units in a state licensed hospital, hospice, community care facility or nursing home, convent, monastery, or other facility occupied exclusively by members of a religious order, on-campus dormitory or security houses, or on-campus housing accommodations owned, operated, or managed by an institution of higher education or secondary school for occupancy by its students.

(C) Rental Housing Units that are owned, operated by, or receive funding or subsidies from federal, state, or local government entities and are inspected by the governmental entity at least once every five years.

**COMMENT:** Many cities exempt government-subsidized housing from their programs when it is subject to inspection by another agency.

(D) Rental Housing Units located within a building of [ ] or fewer units.

**COMMENT:** Most programs cover multi-unit rental properties, but some programs restrict that coverage to properties with a certain number of units. Los Angeles's Systematic Code Enforcement Program applies to residential properties with two or more units, so long as at least one of those units is rented or offered for rent. Washington D.C.'s proactive inspection program applies to all multi-family rental properties with more than three units." Grand Rapids, Michigan recently expanded its registration and inspection program to include single-family rental housing and abandoned and vacant residential properties, as more single-family homes have been converted to rental housing."

(E) Rental Housing Units located within a building of no more than [ ] units, one of which is occupied by the owner.

Model Proactive Rental Inspection Ordinance [change-lab.org](http://change-lab.org) #

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## HOW OFTEN WILL WE INSPECT?

- Fixed number of years?
- At tenancy or ownership turnover?
- At inception of program for new rentals?
- Upon registration/license?
- Based on prior compliance?



HousingInspector Flickr CC-USAGE 1632

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## WILL WE ALLOW SELF-CERTIFICATION?

- Should owners be allowed to "graduate" into self-certification?
- Who will qualify for self-certification?



<http://flickr.com/photos/chrisrhocous/6778986/>

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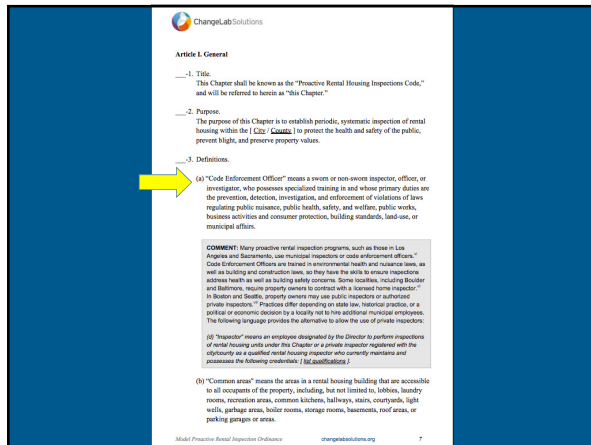
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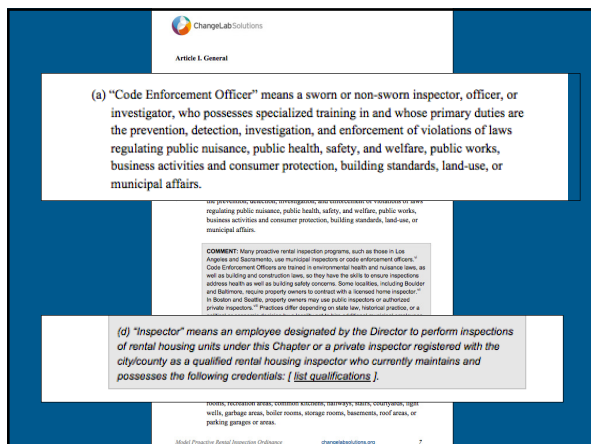
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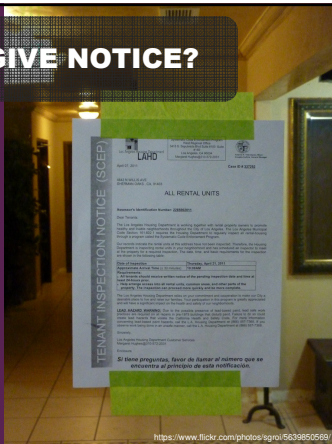
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### HOW WILL WE GIVE NOTICE?

Effective notices should:

- Reduce fear
- Encourage cooperation
- Educate about rights/duties
- Convey information
- Be language accessible
- Be easily understandable



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<https://www.flickr.com/photos/legisl/5633850569/>

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### HOW WILL THE PROGRAM BE ENFORCED?

- Administrative, civil, or criminal fines
- Civil court injunction
- Suspension of rental license, permit, or certificate
- Rent escrow account programs



<http://www.flickr.com/photos/10-2012/#U0vYMs0Dx>

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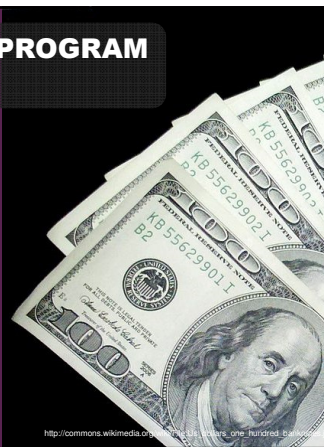
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### HOW WILL THE PROGRAM BE FUNDED?

- Self-sustaining or subsidized?
- Fees assessed per unit or per inspection?
- What will initial fee cover?
- Additional inspection fee?



[http://commons.wikimedia.org/wiki/File:One\\_hundred\\_bill](http://commons.wikimedia.org/wiki/File:One_hundred_bill)

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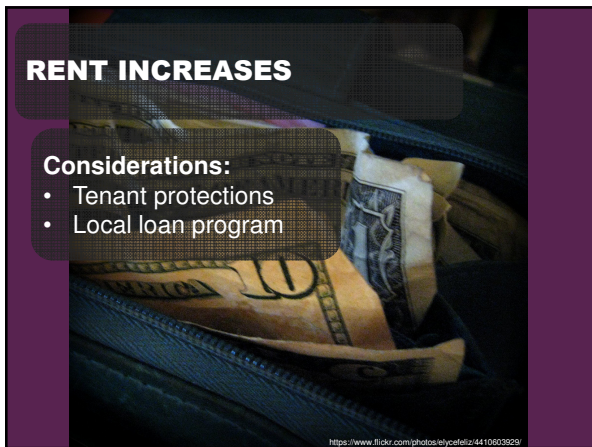
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**PROACTIVE CODE ENFORCEMENT  
IN TWO CITIES**

 **Boston, MA**  
Proactive Rental Registration and Inspection Program  
- Indira Alvarez, Chief of Staff, Inspectional Services Department

 **Tukwila, WA**  
Residential Rental Business License and Inspection Program  
- Kathryn Stetson, Code Enforcement Officer

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**Boston Inspectional Services  
Department**

  
**Proactive Rental Inspection  
Rental Registration Program**

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 To ensure that Boston continues to be a great place to live, we must reduce our reliance on a "reactive" complaint based system of inspecting residential property. A systematic inspection strategy improves the availability of healthy housing, while curbing use of the complaint based approach.



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### Boston's PRI Program

- Established 1984
- Amended 3 times- 1997, 2003 and 2012
- Registration Frequency- Annually (2013)
- Inspection Frequency- 5 Year Cycle (2014)
- Funding Source: Registration Fees
  - I. Initial: \$25 per unit
  - II. Renewal: \$15 per unit
- Enforcement: Fines, Prosecution

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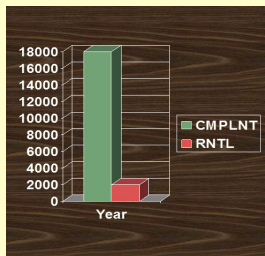
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### Why PRI in Boston?

- Tenant complaints =98% of inspections
- Rental inspection= 2%




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### Why PRI in Boston?

- Safe Healthy Housing is not a Landlord Issue, or a Tenant Issue.
- Tenant complaints= Adversarial process
- Some tenants in substandard housing do not "complain".
- Housing Code Enforcement Process is not as "friendly" as Boston's Rental Inspection Process.




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### Rental Units Identifying Sources

- 2010 Census
- Assessing Records
- Boston Department of Neighborhood Development



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### Estimated Housing Records

- Total housing units= 270,000
- Total private rental units= 162,000

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### Rental Unit Selections

- Stakeholders
  - I. Government Officials/ City Council
  - II. Community Groups/
  - III. Real Estate Groups
  - IV. Tenant Advocacy Groups
  - V. Legal Advocacy Groups

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### Registration/ Inspection Frequency

- Registrations: annually
- Inspections: 5 Year cycle



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### Inspection Compliance Options

- City Inspectors
- City Certified Private Inspectors
  - I. R.S., C.H.O., C.H.I.
- Submit approved inspection report from authorized subsidy programs
- 5 Year alternative plan
- Fines for non-compliance are \$300 each month/per violation.

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### Scope of Inspections

- Mass State Sanitary Code – Chapter II
- Minimum standards for human habitation
  - I. General Safety Violation
  - II. Smoke detectors
  - III. Carbon monoxide detectors
  - IV. Clean and sanitary conditions
  - V. Absentee owner posting

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**Notification to Tenants**

- Info on occupants obtained from property owners
- Notification letter sent via USPS
  - I. Explanation of ordinance
  - II. Inspection date and time

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**Chronic Offender Point System**

- Points assessed to property owners who fail to do the following
  - I. Register units
  - II. Repeatedly failed to comply with notice of violation
  - III. Municipal fines

| # of Rental Units Owned | Point Threshold in a 12 Month Period | Point Threshold in a 16 month period |
|-------------------------|--------------------------------------|--------------------------------------|
| 1-50 Units              | 6                                    | 10                                   |
| 51-500 Units            | 10                                   | 16                                   |
| 501+ Units              | 24                                   | 24                                   |

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**Chronic Offender Point System  
Cont.**

- Inclusion in Problem Property List
- Subject to Court Prosecution
- Inspection frequency changes annually or every 3 years

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### Tenant/ Occupant Protection

- City and court officials meet frequently
  - I. Awareness/ requirements of ordinance
- In MA owner cannot evict occupant for exercising their right to decent housing
- Collaboration with other city agencies and non-profit organizations that provide home repair assistance.

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### Uninhabitable/ Illegal units

- Official determines severity of violation
  - I. Does it require immediate repair?
- Work with property owners to obtain alternate housing for occupant(s)
- Work closely with housing agency to prioritize relocation assistance
- Tenants/ occupants are referred to legal aid as well as housing resource center

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### Tenant Violations

- All initial inspections (tenant and property owner) receive a checklist of conditions (violations)
- 30 days is given for non-emergency violations
- Opportunity to remedy violation is always 1<sup>st</sup> option

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### Reporting Requirements

- Annual reports required
- Outreach/ Education increases inquiries

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### Estimated Year 1 Reports

- # of units registered: 123,000
- # of properties registered: 27,000
- # of property owners: 17,300
- # of rental units selected : 25-30K (Year 1)

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Thank you

BOSTON INSPECTIONAL SERVICES DEPARTMENT

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# Residential Rental Licensing and Inspection Program

Tukwila, WA

December 4, 2014

Kathryn A. Stetson  
Code Enforcement Officer



**Tukwila, Washington**  
*The City of Opportunity, The Community of Choice*

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**Kathryn Stetson**  
Code Enforcement Officer  
City of Tukwila, WA

11 years




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## Tukwila, WA

Tukwila is located in King County, Washington, about 10 miles south of Seattle.



- 9.6 square miles
- 19,611 residents (2012)
- 42,000 jobs




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## Tukwila Demographics



23% families below poverty level  
(300% increase since 2000)

70% children qualify for free or reduced lunch

34% residents are foreign born

43% speak a language other than English

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## Tukwila Facts



In 2011 the *New York Times* named Tukwila School district the most diverse school district [in the nation.](#)

- More than 70 different languages spoken in the district.
- 37% students qualify for English Language learning services.

**\*\*Communication is VERY challenging in this City.\*\***

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## Tukwila Housing



- Total housing: 7755 housing units (approx.)
  - 55% Multi-family
  - 45% Single Family
- Renter vs. Owner Occupied
  - 60% Renter
  - 40% Owner-occupied

Between 2000 and 2010 the population increased 11%, but the number of housing units remained almost unchanged (overcrowding issue)

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## Annual Business License



- Each property owner/landlord must obtain annual license.
- License fee depends on the number of units:
  - 1-4 units           \$60.00/year
  - 5+ units            \$175.00/year
- Licenses expire December 31 each year
- Licenses are “Provisional” until unit passes inspection

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## Inspections



Inspections of each dwelling unit required once every four years.

- City is divided into four “inspection zones” geographically
- Each zone has around 1,000 dwelling units
- One zone inspected each year
  - Zone 1           2011, 2015, 2019
  - Zone 2           2012, 2016, 2020
  - Zone 3           2013, 2017, 2021
  - Zone 4           2014, 2018, 2022

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## Inspectors



- Owners may choose:
  - City Inspector (either Code Enforcement Officer or Building Inspector).
    - Fees for City Inspectors -- \$50/unit
  - Private Inspector with one of these credentials:
    - AACE Property Maintenance and Housing Inspector
    - ICC Property Maintenance and Housing Inspector
    - ICC Residential Building Code Inspector
    - Washington State Licensed Architect
    - Washington State Licensed Home Inspector
- Private Inspectors must be pre-approved by the City

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## Inspection Checklist



- Based on 2012 International Property Maintenance Code
- Point value assigned to each inspection item
- Passing score = less than 25 points.
- Automatic failures for certain life-safety items
- Units fail for too many low-point items, also

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## Failures



- 30 days to make repairs and schedule reinspection
- Must pay inspection fee again (\$50/unit)
- Automatic failures include:
  - Lack of smoke or CO detectors
  - Lack of water, heat, refrigerator, stove or electricity
  - Lack of adequate emergency egress from bedrooms
  - Double-keyed deadbolt locks

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## 2<sup>nd</sup> Failure



If unit fails second inspection, doesn't meet the 30 day deadline, or fails to meet the Inspection Zone deadline:

- Unit is posted Unfit for Occupancy
- Requires a hearing before the Improvement Officer
- Tenants are required to vacate the unit
- Tenants may be eligible for Relocation Assistance from the landlord
- Unit may not be occupied until repairs are made and unit passes the inspection

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## Results



- Identified and corrected life-safety violations in about 500 units over the four years of the program
- One 25-unit complex vacated all units in order to make the repairs necessary to pass the required inspection
- Found rental units without heat, inadequate or non-existent emergency egress, failed plumbing, no appliances, illegal ADUs

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## Public Response



- Initially much resistance by landlords
- No formal legal challenge to the program
- Tenants have generally been positive and understand the benefit of the program
- Some landlords have expressed appreciation for the level playing field that the program creates
- Inspection criteria is easily understood and perceived to be “fair”

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## Tips and Strategies



Lots of research – other jurisdictions, state laws and regulations, codes, etc.

- Many different approaches to RHIP nationwide
- Washington State legislature was adopting legislation that would have severely restricted our program
- Able to “beat the deadline” of the new legislation in order to have the program we wanted

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## Tips and Strategies



Pushback from landlords is inevitable.

- Held several public meetings starting 6 months prior to roll-out to educate them on the process and inspection criteria and answer questions
- Stressed “level playing field” that inspections create – everyone has to meet same criteria
- Mailed flyers, the inspection checklist and other collateral materials to landlords early
- Patience and a thick skin is required!

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## Tips and Strategies



Privacy concerns (both Landlords and Tenants)

- Owner or owner’s representative must be present for inspections. Owners are responsible for properly notifying their tenants of the inspection.
  - WA State Landlord-Tenant law specifically allows landlords access to their units with written notice to tenant 48 hrs in advance. Tenants cannot unreasonably deny access to landlord. (laws may vary from state to state)
- Tenants may be present
- Work closely with your city attorney on state and local regulations that may restrict or control

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## Tips and Strategies



City Council Support is crucial

- Frequent project updates – keeping them in the loop during R & D phase
- Emphasize proactive vs reactive approach to housing conditions – “everybody plays”
- Over time the program will improve rental housing conditions
- Regular updates after implementation

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## Tips and Strategies



Consider incentives:

- We recently updated our ordinance to allow an extension on the inspections from 4 to 8 years if the property is a participant in good standing with the Crime-Free Multi-Housing program.
  - We have completed inspections in all zones
  - Cannot have more than three verified complaints in any 6-month period

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## Benefits



1. Ensures basic life-safety standards are met
2. Proactive approach: Tenants do not have to complain or understand landlord-tenant law
3. Owners must maintain property enough to pass inspection every four years
4. Identifies illegal dwelling units

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## More Benefits



5. Provides passive landlords an “excuse” to inspect their units once every four years. “Blame the City”
6. Educates both landlords and tenants on basic rights and responsibilities, and health-life-safety issues
7. Gives City up-to-date contact information for rental properties
8. Code Enforcement complaints against rental properties are reduced and more easily and quickly resolved

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### Contact Information



Kathryn A. Stetson  
Code Enforcement Officer  
City of Tukwila  
6300 Southcenter Blvd, Ste 100  
Tukwila, WA 98188

206/431-3682

Email: [kathy.stetson@tukwilawa.gov](mailto:kathy.stetson@tukwilawa.gov)

City website: [www.tukwilawa.gov](http://www.tukwilawa.gov)

Municipal Code: TMC 5.06

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### Questions?



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**ChangeLabSolutions**

**THANK YOU!**

[changelabsolutions.org](http://changelabsolutions.org)



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