

MEMORANDUM

TO: East Bellevue Community Council
FROM: Tom Campbell, Code Compliance Supervisor (425-452-6985)
Development Services Department
DATE: October 27, 2015
SUBJECT: Enforcement of the Single Family Dwelling Rental Ordinance

The Single Family Dwelling Rental Ordinance (SFDRO) was initially enacted in September 2013, responding to community concerns about the increasing number of single-family houses being rented out to groups of unrelated adults. Often the rentals were for individual rooms, and came with the attendant neighborhood impacts of increased traffic, turnover of residents, and nuisances like noise and accumulations of litter. Emergency Ordinance No. 6128 was renewed on an interim six-month basis while the Planning Commission and City staff researched the experience of other jurisdictions with this issue and developed code amendments to refine and strengthen the interim ordinance. Permanent Ordinance No. 6223 was adopted by the City Council on April 6, 2015, and it became effective on April 14, 2015. This memorandum summarizes the ordinances adopted to address single family dwelling rental issues and the enforcement that has occurred to-date.

Emergency Ordinance

The emergency ordinance focused on a list of factors to be considered by the City in determining whether a group of more than four unrelated adult persons living together in a dwelling unit (whether rented or not) operated as the “functional equivalent of a Family.” The approach employed in the emergency ordinance made effective investigation and enforcement difficult. No cases were taken to a hearing under the emergency ordinance.

Permanent Ordinance

The permanent ordinance adopted a number of specific changes recommended by the Planning Commission and staff. The major revisions include:

- A new definition of “rooming house” (Land Use Code Section 20.50.044) as a “non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis.” The permanent ordinance separates boarding houses and bed-and-breakfasts (separately defined in LUC 20.50.012) from rooming houses, which are made the specific focus of the permanent ordinance.
- Identification of the land use districts (zones) in which “rooming houses” would be allowed (R-10, R-15, R-20, R-30, OLB, CB, F1, F2, F3, BR-OR, BR-RC, BR-R, BR-CR, BR-ORT, EH), thereby specifically excluding rooming houses from most single-family residential areas in the City.

- Establishment of development requirements for rooming houses (LUC 20.20.700): location must be in a detached single-family dwelling on its own parcels (e.g., cannot be in attached town-houses on the same parcel); no more than four rooms may be rented to not more than five individuals; rooms offered for rent must be legally-established bedrooms (this addressed in part the concern with illegal conversion of garages to sleeping spaces); a local owner or registered agent is required for each rooming house, and is identified as the party responsible for compliance with the ordinance (tenants are not responsible parties simply because they are on a lease); on-site parking spaces are required equal to the number of bedrooms available for lease; appropriate property maintenance including refuse collection is required; and the rooming house shall comply with noise, nuisance and other ordinances and regulations.
- A revised definition of “family” (LUC 20.50.020) to allow “not more than four adult persons, unless all are related by blood, marriage, or legal adoption, living together as a single housekeeping unit.” If there are more than four unrelated adults in the single-family dwelling, several factors are listed which will be considered by the City in determining whether the group operates in “a manner that is functionally equivalent to a Family.” The requirement that the house be jointly occupied under a single lease is added in the definition of “single housekeeping unit” (below).
- A new definition of “single housekeeping unit” (LUC 20.50.046) as “one household where all the members have common access to and common use of all living, kitchen, and eating areas . . . and where meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan . . . If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a single housekeeping unit.”

The changes made by the permanent ordinance allow code enforcement and land use staff to clearly delineate between a range of occupancy situations (single-family house; single-family house with accessory dwelling unit; rooming house or functional equivalent of a family; etc.) about which complaints are received. As a result, violations of the single family dwelling rental ordinance can be effectively applied and investigated. There are two cases in the Spiritwood area that are being prepared for hearing at this time.

Enforcement Data

As directed by Council, City code enforcement policy directs staff to engage in pro-active investigations predominantly for serious violations of life-safety and environmental codes (e.g., sparking electrical panels, structural failures, bulldozers in wetlands or tree-cutting on steep slopes). Most code enforcement, including investigation and enforcement of the Single-Family Dwelling Rental Ordinance, is complaint-based (no investigation will be made unless an identifiable complainant files a complaint).

As of October 26, 2015, there are 43 properties with open case investigations of SFDRD complaints, and 66 properties with closed case investigations (no violation established or voluntary compliance). There have been a total of 109 properties with SFDRD complaints since September 2013. Seventeen of the 109 properties received more than one complaint about SFDRD issues. A list of the properties receiving complaints since 2013 is attached as Exhibit “A.” A map of these properties will be prepared in the near future.

Looking to the Future

In discussions with the City Council during the development of the Single Family Rental Housing Ordinance, staff anticipated that there would be an increase in the number of complaints received after the ordinance was passed, and that the enforcement would be complex. The ordinance requires City staff to engage with residents on how they are occupying their private living space. The Civil Violations Code (Chapter 1.18 of the Bellevue City Code) also requires staff to escalate enforcement gradually with a gentle request to comply, a legal notice requesting voluntary compliance, and then issuance of a civil violation that must be developed as a case before the Hearing Examiner, where the City carries the burden of proving that a violation has occurred and correction is required. If the Hearing Examiner issues a compliance order, and violators still fail to comply, then the City must obtain an abatement order from Superior Court. The public policy reasons for ensuring that government does not enforce against its citizens without just cause are laudable. However, the regulations in place to ensure that government staff do not overreach make the process to secure compliance more cumbersome.

Property owner attitudes also influence enforcement efficiency and effectiveness. Some individuals are cooperative when we seek voluntary compliance, and some are not. The cases where we work with cooperative residents are resolved the most quickly. The cases where we face uncooperative and/or absentee property owners take the longest time to resolve, and often times these are the properties that are the most vexing to the neighbors. Code Compliance Officers are working hard to prioritize cases with the greatest impact to the neighbors (based on number of complaints received). Officers also work to ensure the outside premises are free of debris and inoperable vehicles during the pendency of the code enforcement case.

With the permanent ordinance in place, DSD staff are working closely with the Legal Department to take full advantage of the regulatory tools provided by Ordinance No. 6223, including its more specific definitions and the requirement for an owner or agent to be named as the legally-responsible party. We are moving several of the best-developed cases forward through the hearing process in an effort to create a precedent of successful resolution before the Hearing Examiner. Our expectation is that this deliberate approach to early enforcement effort under the permanent ordinance will help streamline future enforcement.

EXHIBIT "A"**LIST OF PROPERTIES INVESTIGATED FOR S.F.D.R.O. COMPLAINTS 10-26-2015**

<u>Case #</u>	<u>Address</u>	<u># of Complainants</u>	<u>Status</u>
14-123999	1014 151 st Pl. NE	1	Open
14-126355	14444 NE 11 th Pl.	1	Open
14-128730	603 167 th Ave. NE	1	Open
14-129050	12520 NE 23 rd Pl.	1	Open
14-129901	1332 164 th Pl. NE	2	Open
14-130254	16539 NE 27 th St.	2	Open
14-130691	3925 179 th Ln. SE	1	Open
14-133941	2913 129 th Ave. NE	5	Open
14-136580	44 157 th Ave. SE	1	Open
14-138696	14404 SE 15 th St.	1	Open
14-138737	14714 NE 10 th St.	1	Open
14-140641	6720 121 st Ave. SE	2	Open
14-141069	14848 SE 22 nd St.	3	Open
14-141212	16126 NE 4 th St.	1	Open
14-141502	628 W. Lk. Sammamish Pkwy. NE	1	Open
14-143767	138 145 th Pl. NE	1	Open
14-144197	13052 SE 47 th Pl.	1	Open
14-147581	13657 SE 5 th St.	2	Open
14-147729	13623 SE 5 th St.	2	Open
14-147886	1400 175 th Pl. NE	1	Open
15-103495	16666 SE 17 th St.	4	Open
15-103630	1612 154 th Ave. SE	1	Open
15-104344	12633 SE 7 th Pl.	1	Open
15-104960	12714 SE 25 th St.	1	Open
15-107276	14242 SE 14 th St.	2	Open
15-108507	4040 149 th Ave. SE	1	Open

EXHIBIT "A" (CONTD.)

<u>Case #</u>	<u>Address</u>	<u># of Complainants</u>	<u>Status</u>
15-108562	13808 NE 48 th Pl.	1	Open
15-111013	2106 109 th Ave. SE	1	Open
15-111751	1715 147 th Ave. SE	1	Open
15-113266	14680 SE 8 th St.	2	Open
15-113677	303 157 th Ave. NE	1	Open
15-113807	2745 140 th Ave. NE	1	Open
15-113844	16620 SE 9 th St.	1	Open
15-114914	6402 129 th Pl. SE	1	Open
15-115370	14633 SE 21 st St.	2	Open
15-115495	4729 149 th Ave. SE	2	Open
15-117039	15610 SE 1 st St.	1	Open
15-118480	16726 SE 7 th St.	1	Open
15-118862	14610 SE 21 st St.	1	Open
15-120791	12536 SE 53 rd St.	2	Open
15-121207	16213 SE 7 th St.	1	Open
15-122579	14615 NE 32 nd St.	1	Open
14-102950	14511 SE 21 st Pl.	1	Closed
14-108946	3059 Bellevue Way NE	1	Closed
14-108962	14508 SE 20 th Pl.	1	Closed
14-108964	14510 SE 20 th Pl.	1	Closed
14-109003	14511 SE 20 th Pl.	1	Closed
14-109004	14514 SE 21 st Pl.	1	Closed
14-109191	14305 SE 17 th St.	1	Closed
14-109408	1820 147 th Ave. SE	1	Closed
14-109433	1715 147 th Ave. SE	1	Closed
14-124301	14633 SE 21 st St.	1	Closed
14-124653	35 Skagit Ky.	1	Closed

EXHIBIT "A" (CONTD.)

<u>Case #</u>	<u>Address</u>	<u># of Complainants</u>	<u>Status</u>
14-124656	2810 108 th Ave. SE	1	Closed
14-124690	6430 131 st Ave. SE	1	Closed
14-125678	2326 121 st Ave. SE	1	Closed
14-125743	14604 SE 16 th Pl.	1	Closed
14-125876	14429 SE 15 th St.	1	Closed
14-125971	103 155 th Ave. NE	1	Closed
14-125981	14402 SE 37 th St.	1	Closed
14-126232	16286 SE 31 st St.	1	Closed
14-126259	16218 SE 33 rd Cir.	1	Closed
14-126533	15246 NE 3 rd Pl.	1	Closed
14-126536	15237 NE 3 rd Pl.	1	Closed
14-126684	16900 NE 23 rd Pl.	1	Closed
14-128041	16623 SE 27 th St.	1	Closed
14-128408	13930 SE 22 nd St.	1	Closed
14-128523	14611 SE 15 th St.	1	Closed
14-128524	14010 SE 37 th St.	1	Closed
14-128808	1714 161 st Ave. NE	1	Closed
14-129568	11613 SE 64 th St.	1	Closed
14-129569	11714 SE 65 th St.	1	Closed
14-130470	14611 SE 14 th St.	1	Closed
14-130764	2214 144 th Ave. SE	1	Closed
14-133125	119 162 nd Ave. SE	1	Closed
14-133400	1120 166 th Ave. SE	1	Closed
14-133446	10538 NE 24 th St.	1	Closed
14-133987	128 165 th Ave. NE	1	Closed
14-134224	16600 SE 40 th Pl.	1	Closed
14-134521	406 156 th Pl. SE	1	Closed

EXHIBIT "A" (CONTD.)

<u>Case #</u>	<u>Address</u>	<u># of Complainants</u>	<u>Status</u>
14-135792	2009 152 nd Ave. SE	1	Closed
14-136045	16213 SE 7 th St.	1	Closed
14-140376	15910 SE Newport Way	1	Closed
14-140906	111 156 th Ave. NE	1	Closed
14-142905	4092 156 th Ave. SE	1	Closed
14-143555	1901 145 th Ave. SE	1	Closed
14-143627	201 140 th Ave. SE	1	Closed
14-144504	3774 148 th Ave. SE	1	Closed
14-147517	4633 149 th Ave. SE	1	Closed
14-147538	14242 SE 14 th St.	1	Closed
14-147726	13633 SE 5 th St.	1	Closed
14-147762	4729 149 th Ave. SE	2	Closed
15-102822	14510 SE 20 th Pl.	2	Closed
15-103146	303 157 th Ave. NE	1	Closed
15-104334	16710 SE 34 th St.	1	Closed
15-107480	16230 SE 35 th Pl.	1	Closed
15-108179	1005 167 th Pl. NE	1	Closed
15-108557	2106 109 th Ave. SE	1	Closed
15-111774	14612 NE 8 th St.	1	Closed
15-113017	2219 167 th Pl. NE	1	Closed
15-115336	624 109 th Ave. SE	1	Closed
15-116474	4010 146 th Ave. SE	1	Closed
15-118104	14604 SE 16 th Pl.	1	Closed
15-118858	706 123 rd Ave. NE	1	Closed
15-118859	1605 144 th Ave. SE	2	Closed
15-119331	12622 NE 3 rd St.	1	Closed
15-120230	14138 SE 45 th St.	1	Closed

EXHIBIT "A" (CONTD.)

<u>Case #</u>	<u>Address</u>	<u># of Complainants</u>	<u>Status</u>
15-121004	16710 SE 34 th St.	1	Closed
15-123055	4335 130 th Pl. SE	1	Closed

