



# Rental Housing Safety Program

## Administrative Rules

On August 1, 2016 the Lakewood City Council approved ordinance No. 644 creating a Rental Housing Safety Program (RHSP). The program requires all residential rental properties (apartments, single family homes, duplexes, etc.) within the City of Lakewood city limits to be registered. The program is designed to ensure that all rental housing units comply with specific life & safety standards and are providing a safe place for tenants to live.

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### **I. Introduction:**

The intent of the Rental Housing Safety Program is to ensure a consistent standard throughout the City of Lakewood's residential rental housing stock such that safe and decent living conditions exist for everyone who lives in rental housing in the City of Lakewood. As a condition of the Rental Housing Safety Program, all residential rental properties are required to be registered through the Rental Housing Safety Program on an annual basis and are required to comply with the inspection timelines and processes as provided in this policy. The intent of the Rental Housing Safety Program is to supplement, not supplant, the Landlord-Tenant Act



(RCW 59.18). Compliance with the Rental Housing Safety Program does not preclude or limit inspections conducted pursuant to the tenant remedy as provided for in RCW 59.18.115, at the request or consent of the tenant, or pursuant to a warrant.

“RHSP” hereafter means the Rental Housing Safety Program.

“City” hereafter means the City of Lakewood.

## **II. Exemptions:**

The following rental units are exempted from the RHSP, as provided in LMC 5.60:

- A. 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, resort, or any similar facility or place offering three or more lodging rooms to guests for periods of less than thirty days, provided that if any guest(s) resides for a period of thirty days or more, then such facility shall be subject to the RHSP.
- 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;
- H. Rental units:
  - 1. That receive funding or subsidies from the federal, state or a local government; and
  - 2. That are inspected at least every three years as a requirement of the funding or subsidy; and
  - 3. That provide a copy of the inspection to the City; and
  - 4. For which the Director or Designee determines that the inspection is substantially equivalent to the inspection required under the RHSP;



- I. Condominiums and townhouses located in a multi-unit structure under multiple ownership;
- J. Shelters and transitional housing;
- K. Manufactured housing or mobile homes;
- L. Housing units which may be exempt from inspection as may otherwise be provided by law. (Ord. 644 § 4, 2016.)

### III. Program Management:

The program is to be managed through the Community & Economic Development Department.

### IV. General Program Requirements:

- A. Rental Requirement. Beginning January 1<sup>st</sup> of each calendar year, no person shall make available for rent, or lease, or let, to the public any residential housing unit without registering and maintaining registration of the rental property at which the unit is located.
- B. Program Fee(s). The fee for registration, inspection fees, re-inspection fees, and late fee shall be set by Lakewood City Council based upon the City's Master Fee Schedule. The RHSP Administrator or Designee is authorized to waive or suspend the imposition of all or a portion of a late fee associated with the registration of a rental property.

The City Council has approved the following fees:

- Multifamily Unit license registration fee: \$12 per/unit
- Single Family Unit license registration fee: \$12 per/unit
- Reinspection of failed unit: \$125 per/unit

- C. Registration/Rental Business License. Every rental property/complex shall obtain and maintain in good order a Rental Business License issued by the City through the rental registration process. A Rental Business License shall have an issuance date of January 1<sup>st</sup> of the calendar year in which it is issued and shall expire on December 31<sup>st</sup> of the calendar year following registration or renewal. Issuance of a Rental Business License does not guarantee a Certificate of Compliance with the RHSP property inspection requirements. A current valid Rental Business License shall be posted and displayed prominently and in clear public view on location of the issued rental property. Expired licenses are not valid.



- D. Registration Process. Registration of rental property shall be made to the City on a form or through a process established by the RHSP Administrator or Designee. To be considered for approval of a Rental Business License, application(s) must be complete.
- E. Registration Information. The City will maintain information regarding rental properties that have a valid registration and will make such information available to the public.
- F. Transfer of Rental Business License. The Rental Business License is non-transferable to any person/entity who has acquired ownership of a registered rental property for the unexpired portion of the one-year term for which it was issued.
- G. Transfer of Ownership. In the case of a transfer of ownership, the registration of rental property is non-transferable. The new property owner shall ensure all rental properties are properly registered under their name(s) with the RHSP. Transfer of ownership shall not alter or delay the pre-established inspection schedule for the transferred property as required under the RHSP. New owners shall update rental property registration within 30 days of assuming ownership of the property. Failure to register within 30 days may result in fines and/or penalties in accordance with LMC 5.60.150 or Rental Business License revocation in accordance with LMC 5.60.060 and LMC 5.02.
- H. Rental Business License Renewal. Rental Business Licenses are required to be renewed annually. A residential rental registration may be renewed by paying the registration fee for the ensuing year on or before the date of the expiration of the current registration. A renewal application will be made on a form or through a process established by the RHSP Administrator or Designee. The renewal process may include updating all or some of the information contained in the original application.
- I. Certificate of Compliance. Each rental property or complex shall be issued a Certificate of Compliance with the RHSP. In order to receive a Certificate of Compliance for a property or complex, the rental property owner must have completed the registration process and submitted a passing inspection or re-inspection for a rental property, in accordance with the conditions identified in the applicable RHSP Inspection Checklist. Inspections/re-inspections must be completed by a third-party RHSP Certified Inspector or the City inspector certifying the rental property is in compliance with the RHSP prior to the expiration of the current Certificate of Compliance. Successful completion of registration and submittal of inspection/re-inspection to the City is required for the City to issue a Certificate of Compliance. A Certificate of Compliance is valid until December 31, (5) five years from the issuance of the certificate. Expired certificates are not valid.
- J. Timing of Inspection. Inspections shall occur on a (5) five year schedule. Units eligible for inspection are to be chosen through a random lottery system. A property owner may choose to inspect a rental property at any time using a third-party RHSP Certified Inspector as defined in Article XVII, and provide proof of successful inspection in



accordance with the conditions identified in the applicable RHSP Inspection Checklist to the City for consideration of Certificate of Compliance with the RHSP.

- K. Inspection. All rental properties, unless exempted in accordance with LMC 5.60.025, will be required to be inspected once every (5) five years. Property owners shall schedule renewal inspections no later than the fifth year after the initial Certificate of Compliance has been issued. Re-inspections are the responsibility of the property owner and are due no later than December 31<sup>st</sup>, (5) five years from the issuance of the Certificate of Compliance.
- L. Inspection Requirements. A qualified inspector may only investigate a rental property for provisions related to the RHSP as provided in the applicable RHSP Inspection Checklist. For the purposes hereof, a qualified inspector shall be considered a City inspector or a third-party RHSP Certified Inspector as defined in Article XVII.
- M. Inspection Schedule/Lottery. Initial inspection schedules for rental properties shall be determined via random address generation by the City. Once selected, rental property owners shall be notified of their requirement for inspection and timeframe to complete the required inspection. Initial inspections must be completed within (9) nine months of notification by the City. Inspection submittal must include proof of passing inspection (or failure thereof), or re-inspection, in accordance with the conditions identified in the applicable City RHSP Inspection Checklist. After the initial lottery period, rental properties will be required to have re-inspections at a minimum of once every (5) five years.
- N. Owner's Right of Inspection. Nothing shall preclude an owner of a rental property from inspecting said rental property more frequently than required under the City's RHSP.
- O. Failure to Register or Renew Registration. Any rental property owner who fails to complete the required documentation and pay an initial registration fee or renewal registration fee on or prior to the expiration date of the registration shall be subject to penalties and/or late fees as determined and adopted by the City Master Fee Schedule and/or penalties in accordance with LMC 5.60.150, or LMC 5.02, and could result in a Rental Business License revocation in accordance with LMC 5.60.060.

**V. Rental Business License Requirement and Renewal:**

Every rental property and rental complex shall obtain and maintain in good order a Rental Business License issued by the City through the rental registration process. A Rental Business License shall have an issuance date of January 1<sup>st</sup> of the calendar year in which it is issued and shall expire on December 31<sup>st</sup> of the calendar year following registration or renewal.



All rental properties and rental complexes shall be required to post and display prominently, and in clear public view, a copy of the current valid Rental Business License on location of the issued rental property. Expired licenses are not valid.

A residential Rental Business License shall be renewed annually by March 31<sup>st</sup> of each calendar year. Failure to renew a residential Rental Business License shall be subject to the terms of LMC chapters 5.02 and 5.60.

A Rental Business License is good until the end of the calendar year in which they were completed. It is a violation of the RHSP to rent a rental unit, or to allow a tenant to continue to occupy a rental unit that has not been properly registered with the City. The City will make a good-faith effort to resolve any issues of non-registration. However, if the issue is not resolved in a timely manner, the case may be referred to City of Lakewood Code Enforcement and financial penalties may be assessed to the rental property owner in accordance with LMC 5.60.150 and may result in the revocation of the Rental Business License in accordance with LMC 5.60.060 and LMC 5.02.

Issuance of a Rental Business License does not guarantee a Certificate of Compliance with RHSP property inspection requirements.

## **VI. Database:**

A database of all rental housing properties shall be maintained by the City and will be accessible to authorized rental property owners and/or property management companies as a part of the RHSP. The database will collect and maintain information for all residential rental housing units within the City as provided in the Pierce County Assessor-Treasurer website.

Documentation/information to be maintained shall include: parcel information; ownership status of property (including form of ownership and contact information); taxpayer information; address of property; number of rental units; and general property information relevant to the Rental Housing Safety Program.

The database will connect taxpayers with rental housing units using Pierce County Assessor-Treasurer data to establish ownership interest(s) in a property and connect that owner with a taxpayer name and address for every rental housing property. Properties with the same taxpayer name and address will be grouped under that taxpayer to streamline the rental registration process.

For properties that are incorrectly entered/assigned in the database, or the information is outdated, the property owner/property manager or the person(s) responsible for registering a property, is responsible for ensuring all ownership information is correct and up to date. Particular attention should be paid to the taxpayer of record, the number properties associated with a specific taxpayer, and the address(es) of unit(s) associated with a specific taxpayer. City



staff shall have access to the database and shall have the ability to override the system with regards to taxpayer and property information for all rental properties.

## **VII. Program Registration/Electronic Database:**

All residential rental housing properties are required to be registered annually through the City's electronic registration portal. Registration is required to be completed electronically. The registration process is as follows:

1. Each taxpayer/property management company (person responsible for individual rental property) will be required to create an account using their email address and create a password.
2. The entity that creates the account will be responsible for paying required fees, responding to the City's request for inspection, addressing potential deficiencies of the property, and renewing the business license annually.
3. Once an account has been created, individuals can search for their rental properties using the electronic database.
4. If the City has identified the property as a rental unit, the owner will be asked to verify that the existing information is correct, and be prompted to add or delete properties in connection to the property searched.
5. If the property is correctly assigned, the owner will be asked to add the unit to the owner's registration process.
6. If the property is incorrectly assigned to the owner, the owner will be asked to delete the unit from the owner's registration process.
7. If the property has not been identified as a rental unit, the owner will need to complete an online form adding the rental unit. Information needed includes, property address, number of units, taxpayer name, and apartment complex name, as applicable.
8. Once properties have been added to individual accounts, individuals will be asked to confirm all properties as rental units, or use the online portal to remove/edit their rental properties list accordingly.
9. Once all properties have been verified as rental units, the owner or person(s) responsible for the rental property registration will pay one fee for rental registration containing all units identified.

10. After receiving confirmation of payment, the City will email a copy of the receipt and Rental Business License to the email account provided by the user.
11. Each individual property (single family will be given a separate Rental Business License number. A multi-family complex will be given one Rental Business License for the entire complex, not per unit. Issuance of a Rental Business License does not guarantee compliance with RHSP property inspection requirements.

### **VIII. Rental Inspection Lottery Processes and Procedures:**

The RHSP inspection lottery shall be established and conducted as follows:

1. City determines the number of rental units to be inspected annually (typically at least 700 units).
2. Rental housing properties are identified through the database maintained by the City.
3. Rental housing properties are separated into two categories, single family and multifamily. Separate lists are created for each category.
4. Random numbers are assigned to each single family and multifamily rental property.
5. The total number of single family and multifamily rental properties is selected through a random number generator. A separate list is created for single family and multifamily properties.
6. The historical percentage of single family and multifamily rental units is applied to determine the respective distribution of single family and multifamily rental housing to receive inspections. The numbers are 18 percent for single family and 82 percent for multifamily (i.e. if 700 units are to be inspected a year, 126 would be single family units and 574 would be multifamily units).
7. The RHSP Administrator or Designee selects the first 126 single family rental units and 574 multifamily units from the random number generator list created in Step 5.
8. For multifamily rental properties only: The entire multifamily rental complex may not be subject to inspection, a percentage of units within the complex are subject to inspection based upon RCW 59.18.125 as follows:
  - If a rental property has twenty (20) or fewer dwelling units, no more than four (4) dwelling units at the rental property may be selected by the local municipality 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.





- If a rental property has twenty-one (21) or more units, no more than twenty (20) percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of fifty (50) units at any one property, may be selected by the local municipality 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.

The City shall select the units to be inspected at random. For example, if there is a fifteen (15) unit complex, the City shall select four (4) units for inspection. If there is a three hundred and fifty four (354) unit complex, the City shall select fifty (50) units for inspection. Units inspected shall be noted in the inspection report provided to the City.

9. Property owners/landlords are provided notification of initial inspection requirement. Based upon the date of notice, property owners/landlords shall have nine (9) months to complete initial inspection(s).
10. After the initial lottery period, rental properties will be required to have re-inspections at a minimum of once every five years. Inspections required to renew a rental property's Certificate of Compliance are the responsibility of the rental property owner and must be conducted no later than December 31<sup>st</sup>, five years from the issuance of the Certificate of Compliance.

## **IX. Inspections and Timing:**

Property owners who have received notice to complete an initial inspection must do so within nine (9) months of the date of such notice.

Property owners may schedule an inspection with a third-party RHSP Certified inspector or the City inspector, subject to availability. Compliance with the RHSP does not preclude or limit inspections conducted pursuant to the tenant remedy as provided for in RCW 59.18.115, at the request or consent of the tenant, or pursuant to a warrant.

Private Inspector(s). Rental property owners may schedule an inspection with a third-party RHSP Certified Inspector. The cost for a third-party RHSP Certified inspector must be paid by the rental property owner. If a rental unit fails initial inspection, additional inspection fees must be paid by the owner of the rental property. A list of RHSP Certified Inspectors can be found on the City of Lakewood's Rental Housing Safety Program website.

City of Lakewood Inspector(s). Should a rental property owner chose to have a City of Lakewood inspector conduct the rental housing inspection for a rental property, the fee for the initial inspection is included in the rental housing registration fee. If a rental unit fails inspection, additional inspection fees must be paid by the rental property owner prior to re-



inspection. Additional inspection fees are determined by the City of Lakewood Master Fee Schedule. City of Lakewood inspectors will be subject to availability. It is recommended that rental property owners schedule their inspections as soon as possible in order to ensure their property is inspected within the required timeframe.

**X. Inspection of Property:**

All rental properties, unless exempted in accordance with LMC 5.60.025, as described in Article II, will be required to be inspected at a minimum of once every (5) five years. Property owners shall schedule re-inspections no later than the fifth year after the initial Certificate of Compliance has been issued for a rental property. Re-inspections are the responsibility of the property owner and are due no later than December 31<sup>st</sup>, (5) five years from the issuance of the Certificate of Compliance. The City will issue a new Certificate of Compliance to each rental property that has successfully completed the registration process and has submitted a passing inspection or re-inspection for a rental property in accordance with the conditions identified in the applicable City of Lakewood RHSP Inspection Checklist.

All RHSP inspections must be conducted by a City inspector or a third-party RHSP Certified inspector as defined in Article XVII. For the purposes hereof, an inspector may only investigate a rental property for provisions related to the RHSP as provided in the applicable RHSP Inspection Checklist.

Inspections conducted as a part of the RHSP shall be made on a form or through a process established by the RHSP Administrator or Designee. All such inspections, pass, fail or re-inspection, shall be provided to the City as a requirement of the program.

Passing/Successful Inspection(s). A rental property shall be considered to have successfully passed a RHSP inspection if all inspection items listed in the City of Lakewood RHSP Inspection Checklist are identified as Pass.

Failed Inspection(s). A rental property shall be considered to have failed a RHSP inspection if ANY inspection items listed in the City of Lakewood RHSP Inspection Checklist are identified as Fail.

For all identified “life-safety” inspection violations, rental property owners will have up to ten (10) days to correct the deficiencies and pass re-inspection. At the written request of the rental property owner, the Administrator or Designee may grant an extension to bring the rental property into compliance with the RHSP requirements. Written requests for extensions shall explain why the ten (10) day allotment is not sufficient to correct the deficiencies and pass re-inspection. All extensions granted by the Administrator or Designee, shall be in written form and will delineate a period of time to correct the deficiencies and pass re-inspection.



For all other identified violations (non-“life-safety” violations), rental property owners will have up to (60) sixty days to correct the deficiencies and pass re-inspection. At the written request of the rental property owner, the Administrator or Designee may grant an extension to bring the rental property into compliance with the RHSP requirements. Written requests for extensions shall explain why the sixty (60) day allotment is not sufficient to correct the deficiencies and pass re-inspection. All extensions granted by the Administrator or Designee, shall be in written form and will delineate a period of time to correct the deficiencies and pass re-inspection.

The City may impose additional inspection requirements for rental properties who fail a RHSP inspection. Additional inspection requirements are provided in Article XIII.

Failure to comply with the provisions of the RHSP may result in the assessment of financial penalties to the rental property owner in accordance with LMC 5.60.150 and/or the revocation of the Rental Business License in accordance with LMC 5.60.060 and LMC 5.02.

A rental property owner shall be responsible to reimburse the City for all transitional and/or tenant relocation costs incurred in the event a rental property subject to the RHSP regulation is closed by the City or an agency acting on behalf of or in coordination with the City stemming from enforcement of this regulation or any applicable, health, building, fire, housing or life-safety code, or other serious violation.

#### **XI. Owner-Initiated/ Voluntary Inspections:**

A property owner may choose to inspect a rental property at any time and provide proof of successful inspection in accordance with the conditions identified in the applicable RHSP Checklist to the City for consideration of Certificate of Compliance with the RHSP.

Nothing shall prohibit an owner from voluntarily requesting an inspection to determine whether a rental unit complies with applicable laws, even though such inspection may not be required, through a RHSP Certified Inspector. Such voluntary inspection requests shall be subject to the provisions of the City’s RHSP including, but not limited to, the provisions governing registration and fees.

#### **XII. City-Initiated Inspections:**

Should a rental property fail inspection due to a City-initiated code or building violation, the City may require the entire property be inspected in accordance with the terms of the RHSP and successfully pass inspection within (1) one year of the date of such violation.



### **XIII. Inspection Exceptions and Additional Conditions:**

Pursuant to RCW 59.18.125:

- A. A rental property inspected by a government agency or other qualified inspector within the previous 24 months may provide proof of inspection which the City may accept in lieu of a certificate of inspection. If any additional inspections of the rental property are conducted, a copy of the findings of these inspections shall be required by the City.
- B. A rental property owner may choose to inspect 100 percent of the units on the rental property and provide only the certificate of inspection for all units to the City. However, if a rental property owner inspects only the minimum sampling of units permitted per Article VIII, the owner must send written notice of the inspection to all units at the property. The notice must advise tenants that some of the units at the property will be inspected. A copy of the notice must be provided to the inspector upon request on the day of inspection. The City may request a copy of the tenant notification provided by the landlord.
- C. If a rental property is subject to the sampling method of inspection, and a selected unit fails inspection, the City may require up to 100 percent of the units on the rental property to be inspected and provided with a certificate of inspection.
- D. 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 one 100 percent of the units on the rental property to be inspected and provided with a certificate of inspection.
- E. If a rental property owner chooses to hire a qualified inspector other than the City of Lakewood inspector, and a selected unit of the rental property fails the initial inspection, both the results of the initial inspection and any certificate of inspection must be provided to the City.
- F. Re-inspection of failed unit(s) must be completed by the City. At the written request of the rental property owner, the Administrator or Designee may provide for a RHSP Certified inspector to complete the re-inspection. All exceptions granted by the Administrator or Designee will be provided in written form and will delineate a period of time to correct the deficiencies and pass re-inspection.

### **XIV. Certificate of Compliance:**

A Certificate of Compliance shall specify the date of issuance, the rental property/complex address, the name of the owner to whom the Certificate is issued, the expiration date of the Certificate, the name of the inspector who conducted the inspection/re-inspection, and an



indication the rental property/complex complies with applicable laws as far as could be determined by inspection.

**XV. Certificate of Compliance Validity and Renewal:**

Certificates of Compliance expire on December 31<sup>st</sup>, five (5) years from the date of issuance by the City. The owner shall submit an inspection/re-inspection conducted by a third-party RHSP Certified Inspector or City of Lakewood inspector certifying the rental property is in compliance with the RHSP prior to the expiration of the current Certificate of Compliance. Failure to renew the Certificate of Compliance every five (5) years shall result in the non-issuance or revocation of the Rental Business License for the subject rental property in accordance with LMC 5.60.060. Rental properties operating without a Rental Business License will be subject to additional fines and penalties pursuant to LMC 05.60.150 and LMC 5.02. Expired certificates are not valid.

**XVI. License Denial, Suspension or Revocation:**

Correction of Deficiencies. If a Rental Business License for a rental property is denied, suspended or revoked, no reapplication shall be considered by the City until correction of any and all deficiencies on which the denial, suspension or revocation was based. All such license denials, suspensions or revocations shall be in writing.

Reimbursement of Transitional and/or Tenant Relocation Costs Incurred. In the event a rental property subject to the RHSP regulation is closed by the City or an agency acting on behalf of or in coordination with the City stemming from enforcement of this regulation or any applicable, health, building, fire, housing or life-safety code, or other serious violation, it shall be a prerequisite condition for the Rental Business License to be reinstated or the property to be allowed to re-open that the rental property owner reimburse the City for any and all transitional costs and/or tenant relocation costs incurred by the City that are directly attributable to such closure. For the purposes hereof, “transitional cost and/or tenant relocation costs” include but are not limited to those 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.

Appeal of Actions. Appeal of actions taken under the RHSP, except as provided by LMC 5.60.130 or LMC 5.60.150 shall be governed by the provisions of chapter 5.02 LMC.



## **XVII. RHSP Certified Inspectors:**

RHSP Certified Inspectors. The City shall maintain a list of qualified third-party RHSP Certified inspectors and shall make the list available to the public via the City's RHSP website. A third-party RHSP Certified inspector shall mean:

- 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 RHSP Administrator or Designee;
- A municipal code enforcement officer;
- A Washington State licensed structural engineer; or
- A Washington State licensed architect.

Inspector Enrollment. The list of approved RHSP inspectors shall be open to the public for continuous enrollment by prospective applicants. Application to the program shall be made to the City on a form or through a process established by the RHSP Administrator or Designee. To be considered for approval as a RHSP Certified Inspector, application(s) must be complete.

All RHSP Certified Inspectors must obtain and maintain all required program certifications/registrations and a current City of Lakewood business license. Registration and renewal fees for RHSP inspectors shall be in accordance with the City of Lakewood Master Fee Schedule. Registrations for a RHSP Certified Inspectors shall have an issuance date of January 1<sup>st</sup> of the calendar year in which it is issued and shall expire on December 31<sup>st</sup> of the calendar year following registration or renewal.

Failure to Comply with the RHSP. Any inspector(s) who fails to comply with the provisions of LMC 5.60 and the policies and procedures as established by the RHSP Administrator or Designee shall be subject to removal from the City's RHSP Certified Inspector contractor list and may be subject to penalties in accordance with LMC 5.60.150 and LMC 5.02. Failure to comply with the provisions of LMC 5.60 shall include, but is not limited to: (i) failure to provide inspections conducted by the inspector to the City, failed or otherwise; (ii) providing false or misleading information or testimony, or falsified inspection reports upon which a Certificate of Compliance is issued; (iii) knowingly violating the provisions of the City of Lakewood's Rental Housing Safety Program; (iv) failure to maintain current and proper contractor registration(s) and documentation, including contractor certification information, state and local licensing, contractor bonding and insurance information, state and federal tax registration, licensing of incorporation (as applicable), and payment of all local, state and federal taxes; or (v) failure to comply with federal, state or local laws and regulations.



Private Third-Party Inspector vs. City of Lakewood Inspector. Rental property owners have the option to use a City of Lakewood Inspector or an approved private third-party RHSP Certified Inspector who possess, at a minimum, of one of the credentials required to be considered a RHSP Certified inspector.

#### **XVIII. Components of a Rental Inspection:**

A rental inspection shall consist of the following health and safety components, including: (i) inspection of structural members to ensure they are of sufficient size or strength to carry imposed loads with safety; (ii) conditions that lead to exposure of the occupants to the weather; (iii) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury; (iv) the provision of facilities adequate to supply heat and water and hot water as reasonably required by the tenant; (v) the provision of heating or ventilation systems that are functional and are non-hazardous; (vi) defective, hazardous, or missing electrical wiring or service; (vii) defective or hazardous exits that increase the risk of injury to occupants; and (viii) conditions that increase the risk of fire, including the presence and functionality of smoke & carbon monoxide detectors. These components are consistent with RCW 59.18.030 (1). Additionally, consideration shall be made for conditions that endanger or impair the life or safety of a tenant as provided in RCW 59.18.060.

Mold will only be a component of inspection and remediation if, during inspection, it is determined to be a symptom of weather intrusion, plumbing leaks, or lack of ventilation. In the event that mold is determined to be caused by lifestyle, the City or third-party RHSP Certified Inspector will only offer advice to the tenant on how to reduce or eliminate mold in their dwelling. The City will not be inspecting for lead-based paint and asbestos as these are generally not life safety concerns, UNLESS they are introduced into the air or water by way of construction, removal or disturbance.

The inspection checklist is available to the public on the City of Lakewood's RHSP website. The intent of this checklist is to provide a reasonable level of predictability for owners, residents and inspection personnel. No checklist can encompass every possible scenario and not all apparent violations present a threat to the health or safety of tenants. Accordingly, inspectors are required to use a significant amount of professional judgment during the inspection process.

Does every unit at the rental property need to be inspected? No, only those units specifically listed on the inspection notification letter sent by the City shall need to be inspected.

#### **XIX. Placing a "Unit Unavailable for Rent" into Rental Service:**

By definition, a "unit unavailable for rent" means a residential housing unit that is not offered or available for rent as a rental unit. Prior to a rental property owner offering or making a unit





formerly designated as “unavailable for rent” available for rent, the rental property owner is required to register the rental property and pay all associated fees. For a unit(s) that is part of a property/complex that is already properly registered and licensed, the individual unit(s) to be added must be associated and registered with the property/complex and all fees paid. For a unit(s) that is part of a property/complex that is not properly registered and licensed, the rental property owner is required to register the property and obtain a Rental Business License for the rental property in which the unit is located. All units placed into rental service must comply with all provisions of the RHSP and all applicable administrative regulations as adopted.

**XX. Rental Property Owner’s Responsibility to Notify Tenants:**

General Notification Requirements. Prior to the inspection or re-inspection occurring, written notification of intent to allow an inspector to enter must be provided to the tenants of that unit in accordance with RCW 59.18.125(7)(a) and RCW 59.18.150(6). Notification must occur no less than 48 hours prior to the scheduled inspection date. The notice must indicate the date & approximate time of the inspection (include the earliest and latest possible times of entry) and a telephone number to which the tenant may communicate any objection or request to reschedule the entry. The notice must also include the name of the company or person performing the inspection and notification that the tenant has the right to see the inspector's identification before they enter the unit. Failure to comply with the above general notification requirements will result in a failed property inspection and rental property owners will be subject to additional subsequent inspections and all associated fees.

Failure to comply with the provisions of the RHSP may result in the assessment of financial penalties to the rental property owner in accordance with LMC 5.60.150 and/or the revocation of the Rental Business License in accordance with LMC 5.60.060 and LMC 5.02.

A copy of this notice must be provided to the inspector upon request on the day of inspection. A copy of the notification shall be provided to the City upon request.

Notification Requirement for Sampling Inspection Methodology. If a rental property owner chooses to inspect only a sampling of the units (not 100 percent of units), the owner must send written notice of the inspection to all units at the 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 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 the City. Notification of tenants whose units are to be inspected must comply with General Notification Requirements provided above.

A copy of the notice must be provided to the inspector upon request on the day of inspection. The City may request a copy of the tenant notification provided by the landlord.





**XXI. Landlord’s Remedy to Tenant Who Continually Denies Access:**

In accordance with RCW 59.18.150(1), "The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises [...]". A tenant who continues to deny access to his or her unit after the landlord has provided the 48 hours written notice pursuant to RCW 59.18.125(7)(a) and RCW 59.18.150(6) shall be subject to the penalties outlined in RCW 59.18.150(8).

**XXII. Employment of Law Enforcement Officers:**

In the event it becomes necessary for the City to require that a rental property owner secure the services of one or more law enforcement officer to properly enforce all applicable laws, rules, and regulations and to maintain order in a rental property, all such expenses for such services are to be borne by the rental property owner, and it is the rental property owner’s responsibility to secure said services at the level prescribed by the City as necessary to properly enforce the provisions of the RHSP, City Code, and State law. Failure to comply with this requirement will result in revocation of the Rental Business License as prescribed in LMC 5.02 and will be subject to additional fines and penalties pursuant to LMC 05.60.150.

**XXIII. No Warranty by City:**

Issuance of a Rental Business License does not guarantee compliance with RHSP property inspection requirements.

Neither the City, or 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. Rental property owners and occupants shall take whatever steps they deem appropriate to protect their interest, health, safety and welfare.

