

ORDINANCE NO. 5 8 8 2

AN ORDINANCE of the City Council of the City of Auburn, Washington, amending Chapter 5.22 of the Auburn City Code, and providing for residential housing business license and crime free strategies and fees

WHEREAS, in connection with the City's activities to address the problems occurring in rental and higher density residential areas of the City, the City, established Chapter 5.22 of the City Code to work with the rental housing and multi-family residential complex owners and managers, in providing coordination and training, to assist in better controlling the problems and addressing the social concerns incident to such locales; and,

WHEREAS, in furtherance of that approach, the City has reviewed its ordinance and strategy for addressing said problems and concerns; and,

WHEREAS, the City desires to insure that there are multiple options and steps that could be taken to address problems short of license revocation; and,

WHEREAS, in order to more effectively address the problem and to apply greater enforcement consistency, certain changes were developed, as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as Follows:

Section 1. That Chapter 5.22 of the Auburn City Code is amended to read as follows:

Chapter 5.22

RENTAL HOUSING MULTIFAMILY RESIDENTIAL COMPLEX
BUSINESS LICENSE AND STRATEGIES

Sections:

- 5.22.010 Definitions.
- 5.22.020 Business license – Fee.
- 5.22.030 Advisory board on ~~rental housing~~ multifamily residential complexes.
- 5.22.040 Rental housing Multifamily residential complex enforcement criteria.
- 5.22.050 License application – Required – Form.
- 5.22.060 License application – Approval or disapproval procedure.
- 5.22.070 License – Display – Nontransferability – Responsibility.
- 5.22.080 License – Revocation.
- 5.22.090 Employment of law enforcement officers.
- 5.22.100 Duty to comply with all federal, state and local laws and regulations – Business license revocation.
- 5.22.110 Reimbursement for transitional costs.
- 5.22.120 Violation – Penalty.
- 5.22.130 Nonexclusive enforcement.

5.22.010 Definitions.

The following words and phrases when used in this chapter shall have the meanings set forth below:

A. ~~“Multifamily residential complex,” as used in this chapter, means any complex of eight (8) or more residential units of any nature or character on one property or on adjacent property owned by the same person, persons or business entity, or multiples thereof and/or combinations thereof, or eight (8) or more such multifamily residential properties located within the city of Auburn, not on adjacent properties but owned, in whole or in part, by the same owner(s). By way of illustration, the term “multifamily residential complex” includes, but is not limited to, apartment complexes, mobile home parks, rental residential dwellings or combinations thereof.~~

B. ~~“Rental housingMultifamily residential complex owners,” as used in this chapter, means the individual(s) and/or individuals, partnership(s), corporation(s) or any combination thereof business entities owning or having an ownership interest in any multifamily residential complex or complexes rental housing unit(s) within the city of Auburn.~~

CB. ~~“Non-owner managers,” as used in this chapter, means any person(s) or business entity hired or engaged for the purpose of providing management services for any multifamily residential complex(es)rental housing units within the city of Auburn, where the manager(s) has/have no ownership in the multihousing complexrental housing units being managed.~~

C. “Rental unit” means any dwelling unit in the City which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which is not owned by its occupant(s) as a condominium unit or cooperative unit on the effective date of this ordinance provision. For the purposes hereof, rental housing and rental units shall have the same meaning unless the context clearly indicates otherwise.

ED. "Residential unit," as used in this chapter, means a building or portion of a building intended to be occupied by one (1) family and containing sleeping, eating, cooking and sanitation facilities as required by this code.

FE. "Ongoing criminal activity," as used in this chapter, occurs when:

(a) within any six (6) month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has up to ten (10) rental units, is the location for three (3) or more crimes, as defined by the Revised Code of Washington or the Auburn Municipal Code, as a result of three (3) or more separate factual incidents that have been independently investigated by any law enforcement agency; or

(b) within any twelve (12) month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has more than ten (10) rental units, is the location for three (3) or more crimes, as defined by the Revised Code of Washington or the Auburn Municipal Code, as a result of three (3) or more separate factual incidents that have been independently investigated by any law enforcement agency.;

F. "Ongoing nuisance activity," as used in this chapter, occurs when:

(a) within any six (6) month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has up to ten (10) rental units, is the location for three (3) or more nuisance activities, as defined by the Auburn Municipal Code, as a result of three (3) or more separate factual incidents that have been independently investigated by any law enforcement agency; or

(b) within any twelve (12) month period, the property of a rental housing business which is subject to the licensing requirements of this chapter, and which has more than ten (10) rental units, is the location for three (3) or more nuisance activities, as defined by the Auburn Municipal Code, as a result of three (3) or more separate factual incidents that have been independently investigated by any law enforcement agency.

G. "Rental housing business," as used in this chapter, means any person, company, association or entity that rents or leases, or makes available for rent or lease one or more rental units for rent or lease as residential units. (Ord. 5651 § 1, 2002.)

5.22.020 Business license – Fee.

Each ~~rental housing multifamily residential complex business~~ operating in the city, as defined herein, shall obtain and maintain in good standing a "rental housing multifamily residential complex business license" issued by the city in accordance with the procedures of this chapter and this title.

A. The fee for a ~~rental housing multifamily residential complex business~~ license shall be ~~\$35.00 per year for the multihousing complex business~~ as set forth in the City of Auburn Fee Schedule.

B. The business license fee shall be for the fiscal year (July 1st through June 30th), and each applicant for the business license must pay the full business license fee for the current fiscal year or portion thereof during which the applicant has engaged in business, regardless of when during the fiscal year the license is obtained.

~~C. Duly licensed multifamily residential complex businesses, as defined in this chapter, shall not also be required to comply with the business registration requirements of Chapter 5.10 ACC unless the business also engages in business activities falling outside the definition of multifamily residential complex businesses and the parameters of the provisions of this chapter. The rental housing business license fee required by this chapter is in lieu of, and not in addition to, the general business license fee required by Chapters 5.05 and 5.10 of the City Code; provided, however, that any person required to obtain a rental housing business license must also obtain a general business license, at no cost, pursuant to Chapters 5.05 and 5.10 of the City Code. (Ord. 5651 § 1, 2002.)~~

5.22.030 ~~Advisory board on rental housing~~multifamily residential complexes.

There is hereby established as an advisory board to the city, to be known as the advisory board on ~~rental housing~~multifamily residential complexes. The advisory board shall be comprised of interested owners and managers of ~~rental housing units~~multifamily residential complexes and other interested persons, appointed by the mayor to serve on an as-needed basis. The police chief or designee shall serve as an ex officio member of the board. The advisory board shall meet ~~not less than quarterly, or as needed.~~ The advisory board shall act in an advisory capacity and assist and advise the city, as needed, in connection with rental housing multifamily residential complex-related issues in the city and regionally, including:

A. Facilitate cooperation and coordination with the city police department on rental housing multifamily residential complex issues;

B. Recommend to the city programs and strategies to enhance community awareness of rental housing multifamily residential complex related issues;

C. Recommend approaches for rental housing multifamily residential complex training programs, including city and police sponsored training;

D. Develop networking and strategies for city police to deal with rental housing multifamily residential complex issues and develop partnership and support programs, educational programs, consistent crime-free approaches, "no-tolerance for crime," property protection and preparation programs;

E. Coordinate, develop and disseminate procedures for tenant screening, rental housing multifamily residential complex agreements (including language to include enforcement of rules and protection of facilities and neighborhoods), eviction techniques and strategies;

F. Provide ongoing management resources, including regular, periodic meetings, telephone and other response strategies;

G. Monitor inappropriate activities by owners, managers and operators of rental housing unitsmultifamily residential complexes, and counsel said owners, managers and operators in reasonable alternatives – such monitoring to be done through the receipt of complaints or by any other legally viable method;

H. Promote strong ties and build mutually beneficial relationships between police and rental housing multifamily residential complex operators, by teaching including methods for recognizing illegal activity, identifying and reporting crimes, knowing police

functions and roles, exchanging information with police and other agencies and by using any other reasonable method;

I. Develop linkages to other agencies and resources, including the fire department, HUD and Section 8 Programs, Safe Streets, Neighborhood Watch, etc.;

J. Develop and/or identify dispute resolution alternatives, and similar resources that may be utilized in disputes between the owners, managers and operators of rental housing units~~multifamily residential complexes~~ and tenants, and others with interests therein;

K. Recognize and incorporate programs and procedures that identify and reflect cultural influences, and sensitivities, and which promote greater understanding of differences in the tenant/community population;

L. Act as an ~~unofficial~~ liaison between the rental housing multifamily residential complex community and the police department whenever possible;

M. Partner, on behalf of the city, with other agencies or entities to seek programs and grants to support and enhance rental housing multifamily residential stock in the city; and

N. Participate in such other and related roles and functions as requested by the city. (Ord. 5651 § 1, 2002.)

5.22.040 Rental housing Multifamily residential complex business license enforcement criteria.

A. Managers and operators of rental housing businesses shall comply with the criteria established in this section and chapter in order to maintain their rental housing business license in good standing as required by ACC 5.22.020. The city shall identify and communicate with the managers and operators of rental housing multifamily residential complex businesses, as it deems appropriate, regarding the criteria established in this chapter. in the city generally predictable/identifiable enforcement criteria, and The city shall establish forums for information sharing and enforcement review, as it deems appropriate, in order to encourage voluntary compliance with these criteria prior to mandatory enforcement. Rental housing business owners or their non-owner managers shall comply as necessary with the following specific criteria as well as all other requirements of this chapter in order to maintain their business license in good standing~~The city police department shall promote a business license enforcement strategy generally based on the following priority:~~

1. Attendance and participation in cCrime-free housing training programs when such are offered by the Auburn Police Department or other city department and the license holder is given written notice to attend – attendance and participation may be required by the City whenever a residential unit is the location for any criminal or nuisance activity which results in an arrest for criminal activity or the issuance of an infraction citation in the case of a nuisance, whether or not the arrestee or cited person is a tenant;

2. Mutually derived crime prevention strategies as established and agreed to by and between the City and the rental housing owner and/or manager;

3. City directed crime prevention strategies. If the implementation of criteria 1 and 2 is unsuccessful in eliminating reoccurring criminal or nuisance activity the city will notify the rental housing business owner or manager in writing of the requirement to comply with a particular city directed crime prevention strategy. The city may implement a city directed crime prevention strategy whenever a residential unit is the location for any criminal or nuisance activity which results in an arrest or issuance of a citation whether or not the person arrested or cited is a tenant. Strategies will be reasonably tailored to particular location and situation and will be consistent with strategies implemented by other municipalities in similar situations. Strategies will be consistent with "best practices" taught in cost-free city training and industry standards;

4. Upon written request the rental housing owner or manager shall allow inspection of the rental housing residential units of multifamily residential complexes consistent with their ability to do so under the requirements of the landlord-tenant statutes of the State of Washington and the Auburn City Code. The City may with the legally obtained consent of an occupant or owner, or pursuant to a lawfully issued warrant, enter any building, structure or premises in the City to inspect or perform any duty imposed by this code; it is provided, however, that except in the case of emergencies or other exigent circumstances, or in instances where it is impracticable or unreasonable to provide advance notice, such inspections shall be preceded by not less than 48 hours' advance notice to the tenants;

5. In the event that reoccurring criminal or nuisance activity continues at any particular location which is subject to the licensing requirements of this chapter and the imposition of criteria 1 – 4 has failed to eliminate the reoccurring criminal or nuisance activity at the location, the rental housing owner may hire security officers selected by the manager-operator. Voluntary implementation of manager-operator selected security shall stay revocation of the business license so long as the security is effective in eliminating the reoccurring criminal and/or nuisance activity at said licensed location;

6. In the event that criminal or nuisance activity continues to occur at any particular location which is subject to the licensing requirements of this chapter and the imposition of criteria 1 – 4 and implementation of criteria 5 has failed to eliminate reoccurring criminal or nuisance activity at the particular location the rental housing owner may request or agree to City directed off-duty police security. Voluntary implementation of City directed off-duty police security shall stay revocation of the business license so long as the security is effective in eliminating ongoing criminal and/or nuisance activity at the particular licensed location;

7. In the event that the rental housing business owner does not comply with criteria 1 – 6, above the city may revoke the rental housing business owner's license. Business license revocation shall be the – ultimate resort for enforcement purposes. Business license revocation shall occur as otherwise set out in this chapter.

B. The criteria listed above shall be implemented in a priority beginning with criteria 1 and ending with criteria 7. It is envisioned that most problems can be resolved by participation in crime-free housing training and implementation of its recommended practices. Failure to participate in strategies in subsections (A)(1) through (64) of this section may subject the licensed/registered party to revocation. Any expense incurred in

connection with subsections (A)(2) through (5) of this section will be borne by the licensed/registered party. ~~Provided, that this priority shall be a guide, with actual requirements for the licensed/registered party reflecting measured, appropriate determinations based on the level of seriousness of violations, the enforcement history and other relevant factors.~~ It is further provided that the "inspection of the residential units of rental housing units/multifamily residential complexes," ~~subsection item (A)(4) of this section above,~~ includes inspection of residential units in the complex for any applicable health, building, fire, housing or life-safety code violations, or other serious violations. (Ord. 5651 § 1, 2002.)

5.22.050 License application – Required – Form.

A. Every person required to have a license under the provisions of this chapter shall submit an application for such license to the city clerk/mayor or designee. The application shall be a written statement upon a form provided by the city clerk/mayor or designee.

B. Whenever a license cannot be issued at the time the application for the same is made, the city clerk/mayor or designee shall issue a receipt to the applicant for the money paid in advance subject to the following conditions: such receipt shall not be construed as the approval of the city clerk/mayor or designee for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter. (Ord. 5651 § 1, 2002.)

5.22.060 License application – Approval or disapproval procedure.

The city clerk/mayor or designee shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

A. Adopt all forms and prescribe the information required to implement this chapter;

B. Submit all applications to department heads of the city of Auburn building, fire, planning and police departments;

C. Notify any applicant of the acceptance or rejection of his/her application and shall, upon denial of any license, state in writing the reasons therefor, the process for appeal and deliver them to the applicant;

D. Deny any application for license upon written findings that the granting would violate this chapter. A violation of this chapter shall be considered to be detrimental to the public peace, health or welfare:

1. Whenever any such license is denied the applicant may within 15 days from date of action file written notice of appeal to the appropriate committee of the city's hearing examiner. Action of the appropriate committee of the city/hearing examiner may be appealed 15 days from date of action to the full-city council and action of the council shall be conclusive and not subject to review.

2. When the issuance is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the

license was refused unless a license is issued pursuant to a judgment ordering the same. (Ord. 5651 § 1, 2002.)

5.22.070 License – Display – Nontransferability – Responsibility.

A. Upon receipt of the license the license shall be retained on the premises of the rental housing business owner's principal office or place of business where it may be inspected at any time, or shall be carried, as appropriate.

B. No license issued under the provisions of this chapter shall be transferable or assignable.

C. The agents or other representatives of nonresidents who are doing business in this city shall be personally responsible for the compliance of their principals and the businesses they represent with this chapter. (Ord. 5651 § 1, 2002.)

5.22.080 License – Revocation.

A. Any license issued under the provisions of this chapter may be revoked by the ~~city clerk/mayor or designee~~ and/or police chief and/or building official and/or fire chief for any reason if the further operation thereof would be in violation of this chapter and therefore detrimental to public peace, health or welfare. Any license issued under the provisions of this chapter may also be revoked in the following circumstances:

a. The license was obtained through fraud or misrepresentation of fact;

b. The owner or manager has been convicted of a crime, or suffered civil judgment or is the subject of a consent decree which bears a direct relationship to the rental housing business,

c. The owner or manager takes action or contributes to action in violation of the City's zoning codes or development regulations, or commits or permits a public nuisance on the premises licensed pursuant to this chapter

~~, or the violation of any federal or state law or any ordinance or regulation of the city. The city clerk shall cause to be served upon such parties as may be deemed to be interested therein such reasonable notice as may be determined to be proper of intention to revoke such license.~~

~~B. Where deemed necessary to prevent further detriment to public peace, health or welfare, or violation of any federal or state law or any city ordinance or regulation the police chief, fire chief or building official may immediately revoke any license issued under the provisions of this chapter.~~

B.C. Except in the case of emergency due to significant physical danger to one or more tenants, a notice of intent to revoke the business license shall be mailed to the owner and posted on the premises at least 30 days in advance of the effective date for revocation. In the case of emergency described above the notice of intent to revoke shall be provided to the owner and posted on the premises as early as possible. The premises shall be completely vacated upon the date the revocation becomes effective unless the city determines that there is no imminent physical danger to the tenants. If the city determines that there is no imminent physical danger they may make arrangements with the tenants to continue to reside on the premises for a reasonable amount of time in order to allow time for orderly relocation. Whenever any such license

is revoked or notice of impending revocation is sent out, the licensee may within 15 days from date of action file written notice of appeal to the appropriate ~~committee of the city's hearing examiner~~. Action of the ~~appropriate committee hearing examiner~~ may be appealed within 15 days from date of action to the full city council and action of the council shall be conclusive and not subject to review. (Ord. 5651 § 1, 2002.)

5.22.090 Employment of law enforcement officers.

In the event it ~~becomes necessary for the city to require that a the owner, operator or manager of the rental housing business~~ multifamily residential complex owner, manager or operator secures the services of one or more law enforcement officer(s) to properly enforce the applicable laws, rules and regulations and to maintain order in the rental housing business ~~multifamily residential complex~~, pursuant to section 5.22.040(A)(6), all expense for such service shall be borne by the rental housing business ~~multifamily residential complex~~ owner, manager or operator, and it is his/her duty to ~~secure the services of such officer or officers at a level prescribed by the city and as are deemed by the city to be necessary to preserve order and enforce the rules and regulations prescribed in this title, the city code and state law. Failure to comply with this requirement, if imposed by the city, will result in revocation of the business license in the manner prescribed herein and by this title.~~ (Ord. 5651 § 1, 2002.)

5.22.100 Duty to comply with all federal, state and local laws and regulations – Business license revocation.

All persons licensed pursuant to this chapter must comply with all federal, state and local laws and regulations which relate to or in any way effect the rental housing business, including all criminal laws for which the violation could negatively effect the tenants of rental housing units. Violation of this section shall constitute grounds for revocation of the business license. (Ord. 5651 § 1, 2002.)

5.22.110 Reimbursement for transitional costs.

In the event that a rental housing business is closed by the city or any agency acting on behalf of or in coordination with the city stemming from enforcement of the provisions of this chapter or any applicable criminal code or any health, building, fire, housing or life-safety code, or other serious violations, it shall be a prerequisite condition for the license to be reinstated and/or the rental housing units ~~multifamily residential complex~~ to be allowed to re-open/available for rental that the operator of the rental housing business ~~multifamily residential complex~~ reimburse the city for any transitional costs and/or tenant relocation costs incurred by the city that are directly attributable to such closure. For the purposes hereof, "transitional costs and/or tenant relocation costs" include but are not limited to 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. The amounts of such costs shall be as determined in the discretion of the mayor in consultation with the police chief and with representatives of agencies engaged in providing social services within the city. It is provided, however, that nothing in this

chapter shall preclude the city from seeking and obtaining funds from grants or other sources to cover or help defray the transitional costs, and receipt of such grants or other funds shall not relieve the operators of the rental housing businesses~~multifamily residential complex~~ from the reimbursement requirements hereof. (Ord. 5651 § 1, 2002.)

5.22.120 Violation – Penalty.

Failure of a rental housing business~~multifamily residential complex~~ owner, manager or operator to operate a rental housing multifamily residential complex business without obtaining or maintaining in good standing a rental housing multifamily residential complex business license, as required by this chapter, is a misdemeanor punishable by a fine of up to \$1,000 or by a jail sentence of up to 90 days, or by a combination of said fine and jail sentence. (Ord. 5651 § 1, 2002.)

5.22.130 Nonexclusive enforcement.

The city's action to enforce one provision of this chapter or to pursue one avenue of enforcement shall not preclude the city from enforcing any other provision of this chapter and/or from pursuing any other avenue of enforcement, and the mayor or designated city official is entitled to use any methods or processes available under the law to enforce the requirements hereof. (Ord. 5651 § 1, 2002.)

Section 2. Notice to Businesses. The Mayor or designee shall endeavor to provide notice to affected rental housing business owners, managers and/or operators of the licensing requirements hereof in advance of the effective date of this Ordinance, including at least one notice published in the City's official newspaper.

Section 3. Amendment to City of Auburn Fee Schedule.


The Fee Schedule of the City of Auburn is amended to include and provide for the fees for Rental Housing Business Licenses, and for other areas of municipal activity of the City, and the City of Auburn Fee Schedule is updated with the inclusion of the fees as set forth on the document attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

Section 4. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this ordinance.

Section 6. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance, as provided by law, and on July 1, 2005.

INTRODUCED: JAN 18 2005
PASSED: JAN 18 2005
APPROVED: JAN 18 2005



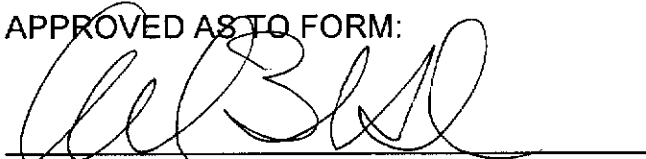
PETER B. LEWIS, MAYOR

ATTEST:



Danielle Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published : 1-23-05

EXHIBIT "A"

Rental Housing Business License Fee.

(1) The fee for a license to operate rental housing businesses in the City, as defined in Chapter 5.22 of the City Code shall be based on the total number of units as follows:

- (a) One to four dwelling units: \$50.00 per year;
- (b) Five to 24 dwelling units: \$100.00 per year;
- (c) Twenty-five or more dwelling units: \$200.00 per year.

(2) The fee for a license to operate rental housing businesses in the city shall be for the license year from July 1 through June 30, and each applicant must pay the full fee for the current license year or any portion thereof during which the applicant has engaged in the operation of rental housing businesses.

(3) The rental housing business license fee required by this chapter is in lieu of, and not in addition to, the general business license fee required by Chapters 5.05 and 5.10 of the City Code; provided, however, that any person required to obtain a rental housing business license must also obtain a general business license, at no cost, pursuant to Chapters 5.05 and 5.10 of the City Code.

(4) Notwithstanding the provisions of sub-section (1) of this section, the fee for operating rental housing facilities for any single individual, partnership, corporation or entity shall not exceed \$400.00 per year