

# Spokane Municipal Code

2023 UPDATES

IMPLEMENTATION OF SMC 10.57

**Presented by:**

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# Spokane Municipal Code 10.57

## City of Spokane Explanation

(courtesy of the City of Spokane website)

- ▶ What is the intent of the new landlord-tenant ordinance?
  - ▶ The intent of the landlord-tenant ordinance passed by the City Council in March 2023 is to require business licenses for owners/operators of rental properties, to create a rental registry, and to re-iterate existing standards and habitability expectations and enforcement mechanisms for rental housing in the City of Spokane. The ordinance is focused on preserving housing stock, maintaining safe living spaces, and creating and maintaining a database to track the rental units in our community.
  - ▶ For full details, see the ordinance: <https://my.spokanecity.org/smc/?Chapter=10.57>
- ▶ When does the new program launch?
  - ▶ The programs described in the ordinance are being created. Business licenses for rental properties can be obtained through the [Washington State Department of Revenue](#), but the local registry itself will need to be developed. There will be more information provided on the registry specifics as it becomes available. Code Enforcement anticipates that the program will be operational by the deadline stated in the ordinance of Jan. 1, 2024. In the meantime, Code Enforcement will continue to respond to complaints for substandard conditions at properties across the city, including rental properties. Complaints can be submitted using [311](#). If you're unable to process your request online for any reason, you can also call 3-1-1, or 509-755-CITY (2489), from 7 a.m. to 6 p.m. Monday through Friday and they can assist with filling a complaint on your behalf.

# SMC 10.57

## City of Spokane Explanation Cont.

- ▶ How do I register?
  - ▶ The registry will be a public-facing online portal that will be developed by City staff for the [Code Enforcement website](#). More information about the registry process and portal will be provided as it is available. The registration process will require property information, ownership and management information, business license number, payment of fees, etc.
- ▶ What is the cost?
  - ▶ The ordinance establishes a business license requirement for all rental properties in the City of Spokane. The business license has an annual fee of \$127, according to [SMC 08.02.0206 \(A\)](#). Additionally, the ordinance establishes a \$15 per rental unit fee that will be paid as a part of the rental registry application.
  - ▶ The initial inspection and initial re-inspection (if needed) that are conducted by Code Enforcement staff will not have a fee. However, if subsequent inspections are needed at specific properties due to violations not being adequately addressed, additional safety inspection fees may be assessed.
- ▶ Does Code Enforcement already do these inspections?
  - ▶ Yes, Code Enforcement investigates substandard buildings in the City of Spokane. These investigations apply to all types of buildings and uses, including rental properties. The inspection process is not new as a part of this ordinance, but the rental-specific programming and dedicated staffing is new.

# SMC 10.57

## City of Spokane Explanation Cont.

- ▶ What are the standards or deficiencies that Code Enforcement inspects for?
  - ▶ The substandard building criteria that Code Enforcement utilizes during inspections is detailed in SMC 17F.070.400. The deficiencies include issues such as inadequate weatherproofing, defective/inoperable plumbing, and inoperable or inadequate heating system. For the full list, see [the code](#). Code Enforcement will provide education and resource materials to the public as they are developed, including an inspection checklist.
- ▶ I'm a tenant, how do I submit a complaint?
  - ▶ Complaints can be submitted using the City's [311 system](#). This type of case should be originated as a code/zoning complaint. Code Enforcement staff will contact the complainant to coordinate an inspection to observe the deficiency. Should a violation be observed, notice of violation would be sent to property owners/managers to get the issue repaired. If you're unable to process your request online for any reason, you can also call 3-1-1, or 509-755-CITY (2489), from 7 a.m. to 6 p.m. Monday through Friday and they can assist with filling a complaint on your behalf.
- ▶ My rental property is old, and I'm worried that it won't pass inspection. What should I expect?
  - ▶ The intent of the program is to maintain existing buildings in a safe and habitable condition, as they were constructed. This ordinance did not implement new codes or standards that older buildings have to comply with. Rather, the ordinance establishes a registry and mechanism for more inspections to occur to ensure that existing minimum habitability and maintenance standards that are currently in place are complied with. An inspection of an older building would not note deficiencies just based on its era or the age of the building components, only if those systems were dilapidated, not functioning, dangerous, etc.

# SMC 10.57

## City of Spokane Explanation Cont.

- ▶ What if I need to do repairs? Do I need to obtain permits for repairs at my rental property?
  - ▶ While some types of maintenance work does not require permits, many repairs do require permits and inspection to verify code compliance. Contact the Development Services Center at 509-625-6300 for more information. More information can also be found here:
    - ▶ [Business & Development Residential Services - City of Spokane, Washington \(spokanecity.org\)](#)
    - ▶ [Business & Development Commercial Services - City of Spokane, Washington \(spokanecity.org\)](#)
  - ▶ Repairs should be completed in a professional manner and as timely as possible, as deferred maintenance and unpermitted work complicates resolution of existing building deficiencies.
- ▶ What resources are available for tenants and landlords?
  - ▶ Staff is developing resource and educational materials throughout the year as the program is created. Resource and educational materials will be available in the coming months and will be posted to the [Code Enforcement page](#).
- ▶ If you have additional questions, call 3-1-1, or 509-755-CITY (2489), from 7 a.m. to 6 p.m. Monday through Friday or email us at [My311@spokanecity.org](mailto:My311@spokanecity.org).



# City of Spokane Rental Registry and Code Enforcement Inspections

COMMUNITY ASSEMBLY LAND USE COMMITTEE – OCTOBER 4, 2023 UPDATE

# SMC 10.57 – Regulations of Residential Rental Housing – Intent



- Establishes long-term rental registry.
- Provides funding and mandate for routine inspections.
- Details a wide variety of civil matters and legal issues.
- [Spokane Municipal Code - Chapter 10.57: Regulation of Residential Rental Housing \(spokanecity.org\)](#)



# Rental Properties – Registry



## Application Process

- Registration handout
- [Accela Citizen Access \(spokanepermits.org\)](http://spokanepermits.org)

## Intent of Registry:

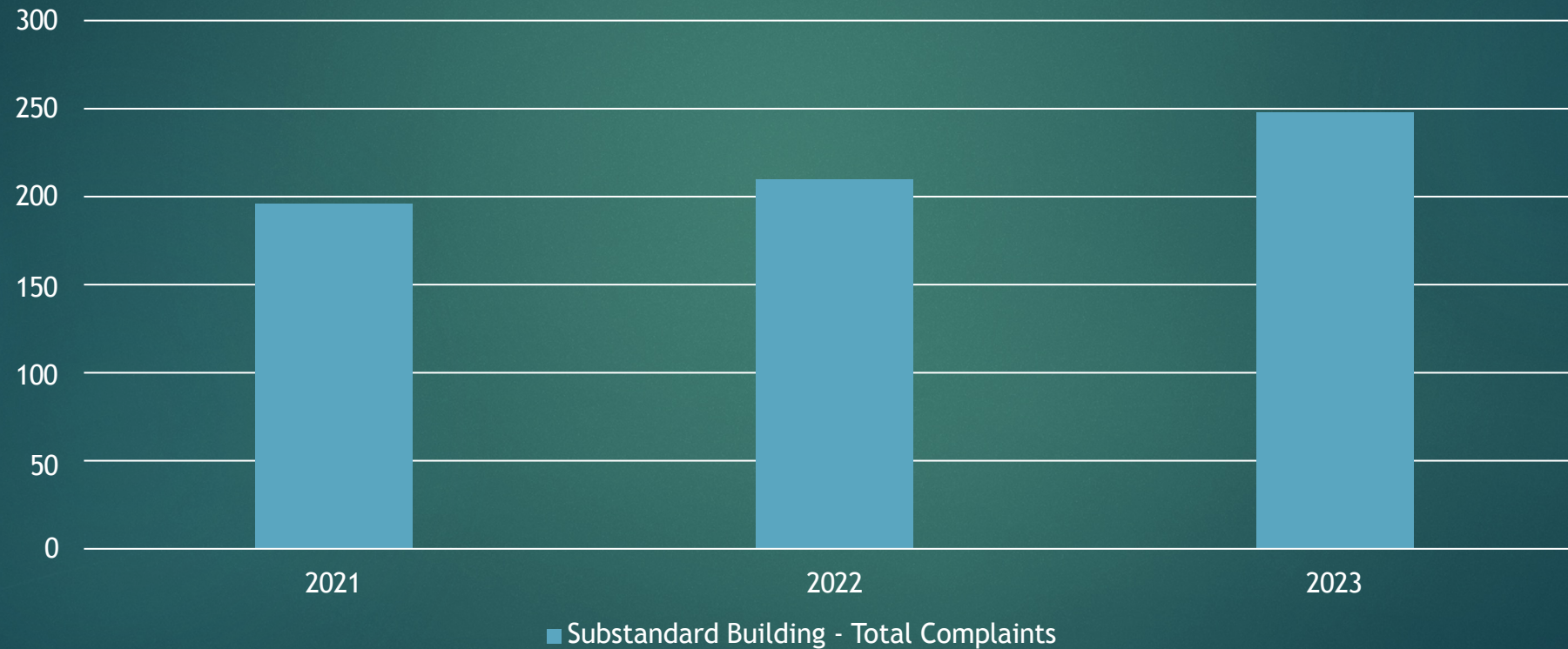
- Obtain and organize contact information for responsible parties
- Gather data and streamline reporting
- Facilitate routine, periodic inspections and compliance efforts, not just in response to complaints



# Substandard Building Complaints – 2021 - 2023



Substandard Building - Total Complaints



# Rental Properties – Inspections



## What Do We Inspect?

- Common maintenance and habitability issues
- Inspection checklist - handout
- Age (of structure) is only a number

# Existing Building and Conservation Code: SMC 17F.070.400



- A. Dilapidation: Exterior decay, water damage.
- B. Structural defects: Foundation, wall and roof framing.
- C. Unsanitary conditions: Waste accumulation, health hazards.
- D. Defective/inoperable plumbing.
- E. Inadequate weatherproofing: Siding, roofing and glazing.
- F. No activated utility service for one year.
- G. Inoperable or inadequate heating system.
- H. Hazardous electrical conditions.
- I. Structure has been boarded more than one year and no approved rehabilitation plan.
- J. Structure used in the manufacture of methamphetamine or any other illegal drugs and has been condemned by the Spokane county health district and the owner has failed to abate the nuisance condition.
- K. Fire-damaged structure.
- L. Defects increasing the hazards of fire, accident or other calamity.

# Inspections – Common Violations



## Dilapidation/Exterior Decay



## Unsanitary Conditions



# Inspections - Common Violations

## Inadequate Weatherproofing



## Defective/Inoperable Plumbing



# Inspections - Common Violations

## Inoperable/Inadequate Heat



## Hazardous Electrical Conditions



# Inspections - Common Violations

## Fire-Damaged Structure

Defects increasing the hazards of fire, accident or other calamity:

- No smoke/CO alarms
- Inadequate egress
- Damaged stairs
- Unpermitted work
- Illegal uses
- Etc.



# Rental Inspections – Typical Case Workflow

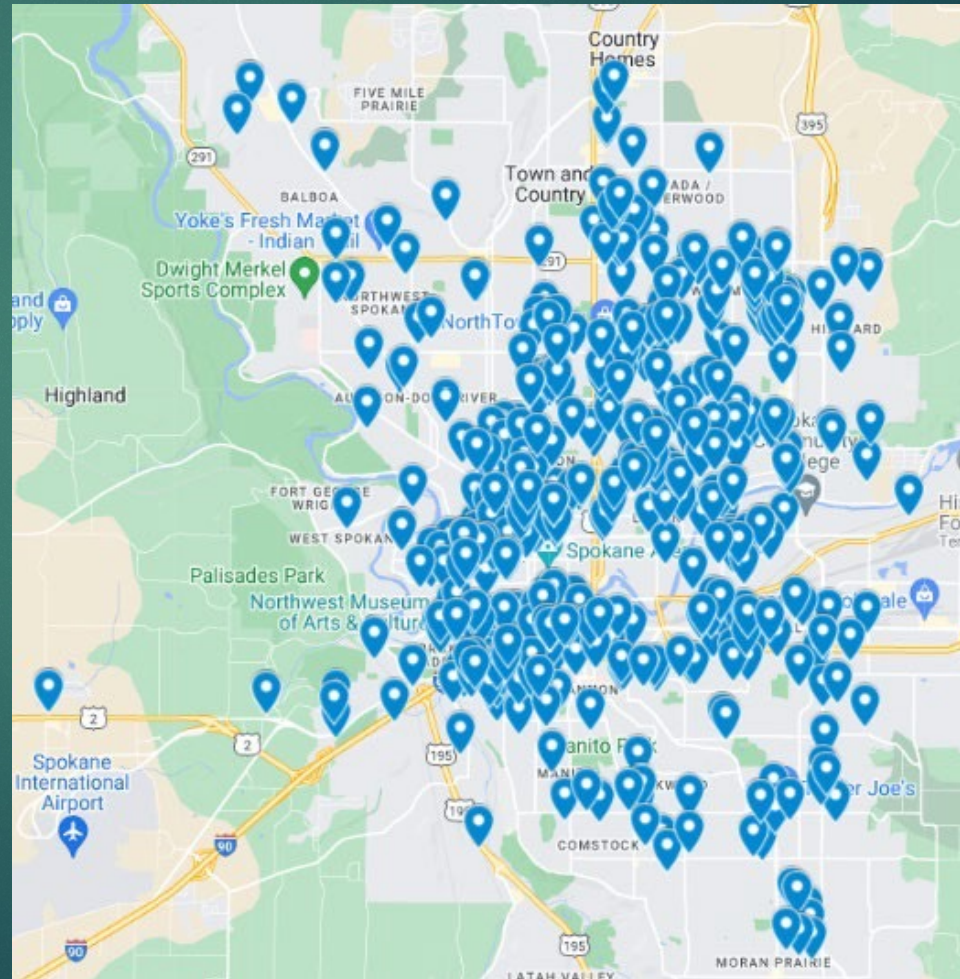


- Coordinate legal access for the inspection with a responsible party.
- Conduct inspection, document findings.
- If violations are observed, contact responsible party, provide notice and educational information, path to compliance.
- Send official notice of violation (NOV).
- Escalate the enforcement effort (civil infraction, Building Official hearing) if voluntary compliance is not achieved.



# Substandard Building Case Map

- Each node represents a substandard building complaint that has been received from 2021-present.
- Map illustrates the city-wide impacts.





# Rental Registry and Inspections – Next Steps

- Code Enforcement staff to publish blog post on City page.
- Substantive updates will be posted to the Code Enforcement page. [Code Enforcement - City of Spokane, Washington \(spokanecity.org\)](https://www.spokanecity.org/code-enforcement)
- Code Enforcement staff to attend additional community meetings over in the fall, including Landlord and Tenant Groups.
- Registration portal to be active December 1, 2023 (for 2024).
- Registry based Inspections to begin early 2024.
- Hiring will begin in Fall of 2023, the team will continue to respond to complaints throughout the program development.

# City of Spokane Contacts

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# City of Spokane Rental Property Inspection Checklist

CITY OF SPOKANE Rental Property Inspection Report		Community and Economic Development - Code Enforcement			
Property address:		Inspection Date:	Bldg. #:	Apt. #:	Inspector Signature:
<p>City of Spokane Municipal Code 17E.070.010 (B) mandates that every owner and occupant of a premises is under a continuous obligation to prevent the property from becoming a nuisance and to maintain property in a reasonably safe condition. This inspection is occurring pursuant to SMC 10.57.050 and the inspection criteria comes from the City of Spokane's adopted substandard building criteria in Spokane Municipal Code 17E.070.400. The International Property Maintenance Code is used where needed for context.</p>					
Interior	Deficiency	Comments	Interior	Deficiency	Comments
A. Deterioration: Exterior decay, water damage.	Primary structure- interior surfaces free from water damage		II. Hazardous electrical conditions.	No exposed wiring interior	
	Accessory structure- interior surfaces free from water damage			Properly installed outlets, including GFCI where appropriate.	
B. Structural Defects: Foundation, Wall and roof framing	No indications of interior deterioration or decay		I. Defect increasing the hazards of fire, accident or other calamity	Functional and properly installed lighting and mechanical ventilation where needed	
	Visible components of the foundation in good repair			Properly installed and accessible service panel	
C. Unsanitary conditions: Waste accumulation, health hazards.	Interior wall/roof framing in good repair and free from obvious defects			Properly installed & functional cooking appliances	
	No interior garbage accumulations in unit			Interior of unit free from egress obstructions	
D. Defective/Inoperable plumbing	No indications of an insect and/or rodent infestation			Interior walkways and floors in sound condition	
	Unit free of visible spores growth			Carbon monoxide detection & present where required	
E. Inadequate weatherproofing: Siding, roofing and gabling	Adequate water service to unit			Proper ventilator of exhaust	
	All plumbing free from leaks and defects			Unused electrical, plumbing, and gas lines and fixtures capped.	
G. Inoperable or inadequate heating system	Hot water service to fixtures			Adequate ingress/egress, including emergency escape and rescue opening	
	Doors as seen from interior are adequately sealed and in good repair			Working smoke alarms installed to requirements (Push button)	
K. Fire damaged structure.	Windows as seen from interior are adequately sealed and in good repair			Smoke dams on each level	
	Heating system is adequate, functional, and code-compliant			Smoke dams present in sleeping area	
	Space heaters only as accessory heat			Interior walls/ceilings free from damage	
	Properly installed hot water tank			Mechanical appliances and equipment & vented properly and in good repair	
	No visible fire damage to the interior of the primary structure				
	No visible fire damage to the interior of any accessory structures				

If you believe there is a deficiency in your unit, contact property management for repairs. If the deficiencies are unresolved after speaking with property management, you may contact the Code Enforcement Department at 509-755-2489 or at codeenforcement@spokane city.org.

This unit has been inspected by the property management or landlord to ensure it meets minimum building and safety standards, in accordance with City of Spokane Municipal Code, 17E.070.010 (B), 17E.070.400, and 10.57.050 et. seq.

CITY OF SPOKANE Rental Property Inspection Report		Community and Economic Development - Code Enforcement			
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Exterior	Deficiency	Comments	Exterior	Deficiency	Comments
A. Deterioration: Exterior decay, water damage.	Roof and roofing components in good repair		II. Hazardous electrical conditions	No exposed wiring exterior	
	Exterior wall components in good repair			Exterior illumination, where installed is operational	
B. Structural Defects: Foundation, Wall and roof framing	Accessory structures in sound condition and in good repair		I. Defect increasing the hazards of fire, accident or other calamity	Exterior fixtures, where installed are operational	
	Exterior foundation in sound condition and in good repair			Exterior outlets, where installed are properly wired and free from defects	
C. Unsanitary conditions: Waste accumulation, health hazards.	Exterior wall/roof framing in good repair and free from obvious defects			Adequate secondary egress in sleeping rooms	
	Adequate garbage enclosures at property			Adequate door/window security	
D. Defective/Inoperable plumbing	Exterior properly free from garbage accumulations			Unobstructed ingress/egress pathways	
	Exterior free of rodent/insect harborage			Valid fire extinguisher inspection tags	
E. Inadequate weatherproofing: Siding, roofing and gabling	No exterior indicators of sewer obstructions or leaks			Stairs in good repair and adequately anchored	
	Exterior spigots free from leaks			balconies/porches in good repair and adequately anchored	
K. Fire-damaged structure	Landscaping mitigation, if present, free from leaks			Handrails and guards in good repair and adequately anchored	
	Exterior walls, siding, trim in good repair and weather tight			Premises free from right of way obstructions	
	Roof and roofing components weather tight			Walkway, sidewalk, and parking lot surfaces in good repair	
	Doors as seen from exterior are adequately sealed and in good repair			Premises free from falling and tipping hazards such as pits and excavations	
	Windows as seen from exterior are adequately sealed and in good repair			Swimming pools and hot tubs in good repair and adequately enclosed	
	No visible fire damage to the exterior of the primary structure			Exterior areas free from overgrown fire hazard vegetation	
	No visible fire damage to the exterior of any accessory structures				



# The Devil is in the Details

SPECIFICS OF THE NEW SPOKANE MUNICIPAL CODE

# Overview & Analysis of the Spokane Municipal Code

- ▶ Starting January 1, 2024, Landlords and property managers operating in the city of Spokane will need a business license to operate. Cost is \$127.00.
- ▶ City of Spokane code enforcement will hire 3 additional officers to do “spot checks” on rentals along with complaint-based enforcement.
- ▶ New requirement for landlords/property managers to prepare move-in and move-out reports and maintain for 3 years.
  - ▶ Repair and certify that the property is habitable.
  - ▶ Disclosures
    - ▶ Disclose to tenant any mold issues and efforts to repair.
    - ▶ Disclose sale of the rental unit within 10 days.
    - ▶ Disclose whether methamphetamine has been manufactured in the rental unit.
- ▶ City of Spokane will require portable background checks of prospective tenants.
- ▶ Private Right of Action

# Overview & Analysis of the Spokane Municipal Code

- ▶ Purpose & Intent of the New Legislation
- ▶ Business Licensing and Registration
- ▶ Residential Rental Housing Navigator
- ▶ Inspections
- ▶ Appeals
- ▶ Multiple Businesses or Locations
- ▶ Business Registrations/Business License
- ▶ Failure to Make Application
- ▶ Portable background and credit checks program
- ▶ Residential Rental Property Mitigation Program
- ▶ Legal Services and Relocation Program
- ▶ Landlord Walkthroughs and Inspections
- ▶ Disclosures
- ▶ Anti-Retaliation Protections
- ▶ Private Right of Action (Establishing a Basis for a Tenant to Sue)
- ▶ Residential Rental Property Mitigation Fund

# Resources

- ▶ <https://my.spokanecity.org/news/stories/2023/10/17/what-to-expect-with-the-rental-property-registry-and-inspections/>
- ▶ <https://static.spokanecity.org/documents/codeenforcement/rental-housing-registry-and-inspection-process-faqs.pdf>
- ▶ <https://aca.spokanepermits.org/CitizenAccess/default.aspx>
- ▶ <https://static.spokanecity.org/documents/codeenforcement/rental-property-inspection-checklist.pdf>
- ▶ [11.16.23 Presentation/2023 Spokane Municipal Code Updates & Analysis.pdf](#)