PROACTIVE RENTAL INSPECTIONS: 
A Tool for Healthy Homes and Families

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

Agenda

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

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

WHY HAVE PROACTIVE RENTAL INSPECTIONS?

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

WHY HAVE PROACTIVE RENTAL INSPECTIONS?

- PRI brings a prevention approach to code enforcement

- PRI is a social justice tool, that can help ensure that code enforcement resources are spent equitably and that can raise the quality of housing for all residents
KEY QUESTIONS

QUESTIONS TO CONSIDER WHEN DEVELOPING A PRI PROGRAM

- Do we have the legal authority?
- How will we identify rental units?
- Which units should be inspected?
- How often will inspections take place?
- Will we allow self-certification?
- What will be the scope of inspections?
- How will we give notice?
- What will enforcement look like?
- How will the program be funded?
- How will we know it is working?
Option 1

Option 2
DO WE HAVE LEGAL AUTHORITY?

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

HOW WILL WE IDENTIFY UNITS?

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

WHAT HOUSING TO INCLUDE?

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

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

WILL WE ALLOW SELF-CERTIFICATION?

• Should owners be allowed to “graduate” into self-certification?
• Who will qualify for self-certification?
WHAT WILL BE THE SCOPE OF INSPECTIONS?

- Exterior
- Interior common areas
- Interior
- Sampling
Effective notices should:

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

**HOW WILL WE GIVE NOTICE?**

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

**HOW WILL THE PROGRAM BE ENFORCED?**

• Self-sustaining or subsidized?
• Fees assessed per unit or per inspection?
• What will initial fee cover?
• Additional inspection fee?
<table>
<thead>
<tr>
<th>Type of fee</th>
<th>Amount</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Fee</td>
<td>$35 per unit (not to exceed $2000 biennially)</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>Registration fee</td>
<td>$45 per building per year</td>
<td>Santa Cruz, CA</td>
</tr>
<tr>
<td>Inspection fee</td>
<td>$127 per inspection performed</td>
<td>Sacramento, CA</td>
</tr>
<tr>
<td>Reinspection fee</td>
<td>$100 for each reinspection</td>
<td>Kansas City, MO</td>
</tr>
</tbody>
</table>

**SAMPLE FEES**

**HOW WILL WE KNOW THE PROGRAM IS WORKING?**

- Review of the Program?
- Frequency of the Review- Annually?
- What Data/Activities will you Collect/Assess?
**CHALLENGES**

**UNINHABITABLE & ILLEGAL UNITS**

Considerations:
- Amnesty program
- Relocation program

**RENT INCREASES**

Considerations:
- Tenant protections
- Local loan program
To ensure that Boston continues to be a great place to live, we must reduce our reliance on a "reactive" complaint based system of inspecting residential property. A systematic inspection strategy improves the availability of healthy housing, while curbing use of the complaint based approach.
Boston’s PRI Program

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

Why PRI in Boston?

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

Why PRI in Boston?

- Safe Healthy Housing is not a Landlord Issue, or a Tenant Issue.
- Tenant complaints = Adversarial process
- Some tenants in substandard housing do not “complain”
- Housing Code Enforcement Process is not as Friendly as Boston’s Rental Inspection Process.
Rental Units Identifying Sources

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

Estimated Housing Records

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

Rental Unit Selections

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

- Registrations: annually
- Inspections: 5 Year cycle

Inspection Compliance Options

- City Inspectors
- City Certified Private Inspectors
- Submit approved inspection report from authorized subsidy programs
- 5 Year alternative plan
- Fines for non-compliance are $300 each month/per violation.

Scope of Inspections

- Mass State Sanitary Code – Chapter II
- Minimum standards for human habitation
  1. General Safety Violation
  2. Smoke detectors
  3. Carbon monoxide detectors
  4. Clean and sanitary conditions
  5. Absentee owner posting
Notification to Tenants

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

Chronic Offender Point System

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

<table>
<thead>
<tr>
<th># of Rental Units Owned</th>
<th>Point Threshold in a 12 Month Period</th>
<th>Point Threshold in a 16 month period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-50 Units</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>51-500 Units</td>
<td>10</td>
<td>16</td>
</tr>
<tr>
<td>501+ Units</td>
<td>24</td>
<td>24</td>
</tr>
</tbody>
</table>

Chronic Offender Point System Cont.

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

- City and court officials meet frequently
  1. Awareness/ requirements of ordinance

- In MA owner cannot evict occupant for exercising their right to decent housing

- Collaboration with other city agencies and non-profit organizations that provide home repair assistance.

Uninhabitable/ Illegal units

- Official determines severity of violation
  1. Does it require immediate repair?

- Work with property owners to obtain alternate housing for occupant(s)

- Work closely with housing agency to prioritize relocation assistance

- Tenants/ occupants are referred to legal aid as well as housing resource center

Tenant Violations

- All initial inspections (tenant and property owner) receive a checklist of conditions (violations)

- 30 days is given for non-emergency violations

- Opportunity to remedy violation is always 1st option
Reporting Requirements

• Annual reports required

• Outreach/ Education increases inquiries

Estimated Year 1 Reports

• # of units registered: 123,000

• # of properties registered: 27,000

• # of property owners: 17,300

• # of rental units selected: 25-30K (Year 1)

Thank you

BOSTON INSPECTIONAL SERVICES DEPARTMENT
Residential Rental Licensing and Inspection Program

Tukwila, WA

December 4, 2014
Kathryn A. Stetson
Code Enforcement Officer

Kathryn Stetson
Code Enforcement Officer
City of Tukwila, WA
11 years

Tukwila, WA

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

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

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

70% children qualify for free or reduced lunch

34% residents are foreign born
43% speak a language other than English

Tukwila Facts

In 2011 the *New York Times* named Tukwila School district the most diverse school district in the nation.
- More than 70 different languages spoken in the district.
- 37% students qualify for English Language learning services.

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

Tukwila Housing

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

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

The Results

Rental Licensing beginnings

- **2006**: Tukwila City Council requested Code Enforcement develop a proactive approach to dealing with rental properties.

- **2010**: Tukwila City Council adopted Ordinance # 2281 implementing the Residential Rental Licensing and Inspection Program.

- **2011**: Program began
Annual Business License

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

Inspections

Inspections of each dwelling unit required once every four years.
  – City is divided into four “inspection zones” geographically.
  – Each zone has around 1,000 dwelling units
  – One zone inspected each year
    • Zone 1 2011, 2015, 2019
    • Zone 2 2012, 2016, 2020
    • Zone 3 2013, 2017, 2021
    • Zone 4 2014, 2018, 2022

Inspectors

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

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

Failures

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

2nd Failure

If unit fails second inspection, doesn’t meet the 30 day deadline, or fails to meet the Inspection Zone deadline:
  – Unit is posted Unfit for Occupancy
  – Requires a hearing before the Improvement Officer
  – Tenants are required to vacate the unit
  – Tenants may be eligible for Relocation Assistance from the landlord
  – Unit may not be occupied until repairs are made and unit passes the inspection
Results

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

Public Response

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

Tips and Strategies

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

– Many different approaches to RHIP nationwide
– Washington State legislature was adopting legislation that would have severely restricted our program
– Able to “beat the deadline” of the new legislation in order to have the program we wanted
Tips and Strategies
Pushback from landlords is inevitable.
- Held several public meetings starting 6 months prior to roll-out to educate them on the process and inspection criteria and answer questions
- Stressed "level playing field" that inspections create – everyone has to meet same criteria
- Mailed flyers, the inspection checklist and other collateral materials to landlords early
- Patience and a thick skin is required!

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

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

Consider incentives:

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

Benefits

1. Ensures basic life-safety standards are met

2. Proactive approach: Tenants do not have to complain or understand landlord-tenant law

3. Owners must maintain property enough to pass inspection every four years

4. Identifies illegal dwelling units

More Benefits

5. Provides passive landlords an “excuse” to inspect their units once every four years. “Blame the City”

6. Educates both landlords and tenants on basic rights and responsibilities, and health-life-safety issues

7. Gives City up-to-date contact information for rental properties

8. Code Enforcement complaints against rental properties are reduced and more easily and quickly resolved
Contact Information

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City website: www.tukwilawa.gov
Municipal Code: TMC 5.06

Questions?

THANK YOU!

changelabsolutions.org