

Property Maintenance Code FAQ

What is the Property Maintenance Code and what is its purpose?

The Property Maintenance Code regulates the minimum maintenance requirements for existing buildings in the City of Spokane.

The purpose of the PMC is to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety.

What is the intent of the PMC?

The overarching intent is to maintain the structure to meet the minimum provisions for health and safety. Means of cooking, sanitation, light and ventilation shall be maintained for a healthy occupancy. The enforcement process is such that if a deficiency is observed, the Code Enforcement Officer notifies the responsible party and a voluntary compliance period begins. The duration of this period could vary dependent on the life safety sensitivity of the deficiency. For example, a structure lacking weather protection can be afforded a longer compliance period than a lack of a sanitation system.

What areas of property maintenance does the PMC cover?

- **General Requirements.** Requirements for the exterior property areas as well as interior and exterior structure. Vacant structures and land should be maintained in a clean, safe, secure and sanitary condition.
 - Exterior Structure:
 - Roofing & Drainage
 - Protective treatment/interior surfaces
 - Foundations
 - Exterior Stairs/Decks, Windows
 - Accessory Structures, etc.
 - Pest Elimination
 - Fences
- **Lighting, Ventilation and Occupancy Limits:** Minimum requirements for occupiable and habitable buildings. Minimum criteria for light, ventilation and occupancy limitations.
 - Healthy light
 - Healthy air/ventilation
 - Occupancy Limitations: Room and Clearance requirements
- **Plumbing Facilities and Fixtures:** Minimum criteria for the installation, and maintenance.
 - Plumbing Systems
 - Water Supply
 - Sanitary Drainage
- **Mechanical & Electrical:** Minimum performance requirements for heating, electrical and mechanical.
 - Hazard prevention
 - System maintenance
 - Means of heat
 - Tempered water
- **Fire Safety:** Minimum requirements for fire safety relating to structures and exterior premises.
 - Smoke alarms
 - Emergency escape openings

What is the definition of Housing Quality?

Housing quality is a habitable space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

What was the catalyst for developing this code?

In 2016 the Mayor initiated the Mayor’s Housing Quality Task Force, one of the priority recommendations from the Task Force was that the city should define and establish a minimum housing quality definition and standard. Since this time a Project Team made up of Task Force members and an Advisory Committee made up of city staff was convened to review codes relating to improving housing quality across Spokane. The result of that task is the Property Maintenance Code.

When will the PMC be adopted?

The PMC will be adopted before the end of this year.

When will the PMC be enforced?

The PMC will be enforced beginning January 2019.

Will there be a grace period for me to become compliant with the code before enforcement of the code?

The application of the code has a built in voluntary compliance opportunity when a violation has been observed. Further, the large educational campaign is intended to be grace period with the delayed enactment.

What’s wrong with the existing code? Why do we need a new one?

The City of Spokane does not currently have a definition for housing quality and the city does not have minimum housing standards. The City of Spokane has codes for substandard and chronic nuisance properties and new construction however the current provisions fall short in addressing minimum maintenance of properties

Do these standards apply to owner occupied as well as renter occupied? Yes

Do these standards apply to multifamily units or only single family homes?

The Property Maintenance Code applies to all residential buildings and their accessory structures (detached or attached).

Yes. The code changes will apply to all existing residential buildings within the City of Spokane regardless if they are owner occupied, renter occupied, multifamily or single family homes.

How will this new code be enforced?

The enforcement of the PMC will operate like a standard Code Enforcement Violation.

1. Citizen calls city hall to file complaint.
2. Code Officer will investigate the complaint.
3. If found to be a violation of the PMC, a notice will be sent to the owner and occupant.
4. The violator will be given a chance to comply with the law.
5. If there is no compliance, a citation may be issued.

What steps will I have to take if my property doesn't comply with all of the new standards?

The PMC is a code of minimums that address health and safety elements. Should a violation be observed, a notice of violation will be sent to the responsible party of the property. This period is the voluntary compliance period of the enforcement effort. During this timeframe, if progress is continuing to be made, staff can provide additional time for compliance as reasonable.

What happens when the cost to make all the improvements is too much for the homeowner?

The PMC provisions are minimum maintenance standards that protect the occupants as well as the adjacent properties. Should there be a financial hardship, there exists programs where owners can qualify for assistance. Please note however that the enforcement of these provisions are not based on income levels. The consistent and equitable application of these provisions will be the direction.

What are the penalties/consequences for not complying with the new code?

The process provides a voluntary compliance period as the first step. Should voluntary compliance not be achieved and no progress be observed, a civil citation will be issued which is a Class 2 infraction. For additional violations, such as the case with a habitual offender, the infraction will be advanced one class to a Class 1 infraction.

What can be done to prevent abuse of complaints when neighbors keep reporting each other?

All complaints must have attention shown to them. Should continued complaints be submitted following investigation and subsequent determination of no violation, education towards the complainant will occur.

If the house is on the historic register, how can I comply if the house cannot be changed?

The historic register does not prohibit a homeowner from making basic minimum improvements to a home in order to bring up the quality of that home. Basic improvements to bring up the safety of a home are prohibited. To find out what types of work would need to be reviewed by the Design Review for improvements visit, www.historicspokane.org > FAQs > Design Review.

My contractor told me he had obtained a permit. Can I be held liable if they did not?

Some corrections stemming from an enforcement effort may require the application of a permit to perform the work. A licensed contractor is required pursuant to the licensing laws of the State of Washington to acquire the appropriate permits prior to performing the works. Please note however that the ultimate responsibility for permits are on the homeowner.

What happens if I start making the repairs, and then run out of money to finish them?

Work on a valid permit must begin within 180 days of the permit issuance. Following a successful start to construction, a permit is valid for 365 days from the issuance date.

When this code is finally adopted will I need to bring my home up to these new standards? This will require expensive updating on my (the home owner) part.

The PMC is a maintenance code, not a new standard for plumbing, electrical, HVAC, etc... So long as your home meets basic equipment, light, ventilation, heating, sanitation and fire safety. Conditions approved under previous codes are permitted to remain in existence and use if maintained in a safe manner.

My house is really old, will I be grandfathered into not having to meet the standards?

No. There is no legal non-conforming protection for a condition that is unsafe. The PMC is not meant to replace old with new. It is meant to maintain properties, regardless of age, style, size, color, use, etc. and prevent dilapidation.

If a landlord is charging under market rates for their rental property and they may repairs to the property to meet the PMC standards is the landlord entitled to bring rents up to market rates?

The city has no jurisdiction in controlling rental rates.

My rental property has mold will the PMC enforce against mold?

Mold is a condition that results from other deficiencies of this code such as the lack of ventilation or an active water leak. The repair of the condition is a requirement of the PMC.

Is the PMC for new construction, like during planning phases?

The Property Maintenance Code pertains to all dwellings within the Spokane city limits. New construction has codes adopted that applies, which are the same code organization that publishes the base Property Maintenance Code (International Code Council). The adoption of this code will provide continuity to the application of building safety codes.

What is the course of action for homes that you find are infested with bed bugs or mice?

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. Prior to the renting of a structure, the owner should ensure that pest have been eliminated. Following the occupancy of a rented structure, the occupant shall be responsible to ensure the structure remains pest free with exception to a deficiency of the structure itself which would be the responsibility of the owner. For owner/ occupied structures, the same pest elimination standard shall also apply.

Would this kill the tiny house movement? Most "bedrooms" in a tiny house don't have a lot of vertical clearance (if they are an upper loft bedroom).

The provisions of this code shall not nullify and provisions of a local, state or federal law. The publisher of the code has included provisions specifically speaking to the tiny home movement, therefore should a tiny home be lawfully constructed pursuant to an adopted code, the provisions of the property maintenance code will respect the legal status of this construction. Maintenance such as a weather tight exterior envelope and the providing of means of cooking and sanitation will still apply to a tiny home.

What is the purpose of all of these inspections? Do bedroom sizes and access to egress windows really matter in a vacant home?

The proposed property maintenance code applies to all dwellings regardless of occupied or vacant. Current municipal code provisions prohibit a structure (vacant) from being open and accessible to the extent that it creates an attractive nuisance. The property maintenance code does provide provisions that apply to room size and emergency escape and rescue, these provisions safeguard the dangerous occupancy of such things as closets being used as sleeping rooms etc.

Why does a bedroom have to be 7 feet wide? Why is there a building code for such a thing?

Room size specially to sleeping allows for the amenities of a sleeping room (a bed or other furniture) to be in the room while also affording safe movement for emergency escape and rescue. This protects not only the occupants of the dwelling, but also the first responders in case of an emergency.

What if you live in a trailer?

The provisions of this code is intended for those structures used as dwelling units. Trailers to the extent you are speaking of a mobile home (pre-June 15, 1976) or manufactured home (post 1976) are constructed to a standard that would meet the minimum provisions of this code, especially if maintained in a safe and operable condition.

What happens when your neighbor just doesn't like you and files a report of non-compliance? How do you determine what is legit and what isn't? This can and will be used to hold people to unreasonable standards and unreasonable or unwarranted searches.

Existing codes today are enforced on a complaint basis. Code Enforcement Officers investigate the complaints and review according to the minimum provisions as adopted in the Spokane municipal code. Should a neighborhood quarrel be used as the basis for a complaint, and no violation be observed, no enforcement effort will occur. Education will be primary focus to the community at large on what would and would not constitute a violation of any municipal code.

Why are laws passed, and taxpayers not allowed to vote on adopting the code?

The code adoption process is rooted in state and local law which empowers the elected officials to review and legislate such provision as the proposed property maintenance code. The appropriate adoption process along with an extended public education period has been built into this proposal.

Don't we already have something for this? Like building codes? Why does the government need to add another code?

The Building Codes are in force and effect for the construction and alteration of structures in Spokane. This provision applies to the ongoing maintenance of these structures and establishes a minimum level of housing to protect the health safety and welfare of the residents of Spokane.

The city has allowed commercial building to be built in the last 10 years that do not meet fire codes. Are they going to re-inspect those too?

The property maintenance code as proposed is intended to apply to residential uses in Spokane. The proposed code provides minimum standards for such items as Means of Egress and Fire Protection systems to be maintained in a safe and operational condition.