

Code Compliance

— guidelines on Seattle regulations governing safety and quality of life

Illegal Dwelling Units

- What are they?
- What enforcement action does the City take against them?
- How are they legalized or removed?

March 1997

What is a dwelling unit?

A dwelling unit is an area in a building designed to be separate living accommodations for a person or persons living together as a family.

How can you tell whether a dwelling unit exists?

Although the Department of Planning and Development (DPD) Director's Rule 7-83, "Determining the Existence of a Dwelling Unit for the Purpose of Code Enforcement," sets out a variety of important factors for determining whether a dwelling unit exists, DPD has found that three critical elements tend to identify a dwelling unit:

1. Bathroom facilities that include both a toilet and a shower or bathtub;
2. A kitchen or food storage and preparation facilities; and
3. A living area set apart or separated from other living areas by doors, walls, stairways, hallways or common areas.

Where one or more of these three elements is missing completely, a dwelling unit generally does not exist.

What is an illegal dwelling unit?

Stated simply, an illegal dwelling unit is one created

without a permit. For example, if a single-family home is turned into a duplex, or a duplex into a triplex, or even a 20-unit into a 21-unit building, and no permit for the unit is obtained from DPD, an illegal dwelling unit has been created.

Are mother-in-law apartments considered illegal units?

Most so-called "mother-in-law apartments" are dwelling units, and those created without a permit from DPD are illegal. Seattle's Land Use Code does allow creation of an accessory dwelling unit in a single family home. For information on how to apply to establish an accessory dwelling unit and on requirements and conditions, please see DPD Client Assistance Memo 116, "Establishing an Accessory Dwelling Unit."

What enforcement action will the City take against an illegal dwelling unit?

The City enforces against illegal dwelling units on the basis of complaints. Any person can submit a complaint about an illegal dwelling unit by calling the DPD Code Compliance Division at (206) 684-7899. Complaints can be made anonymously.

When DPD receives a complaint about an illegal dwelling unit, a housing and zoning inspector will conduct an investigation of the property. If the inspector determines that an illegal unit has been created, he or she will issue a Notice of Violation to the property owner. The Notice of Violation will advise the owner that an illegal dwelling unit has been discovered and will give the owner a deadline for either legalizing the unit, if that is possible, or removing the unit. Owners who do not comply with the Notice of Violation may be subject to fines and penalties under the Land Use Code.

How can an illegal unit be legalized?

In some instances, zoning regulations will allow legalizing a dwelling unit installed without a permit. A property owner who has received a Notice of Violation for an illegal dwelling unit should contact a DPD permit

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City of Seattle
Department of Planning & Development

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specialist to inquire about legalizing the dwelling unit. The permit specialist can advise the property owner about the circumstances under which dwelling units may be legalized. A DPD permit specialist can be reached by calling (206) 684-8850 or by visiting the Applicant Services Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave.

An illegal dwelling unit is removed by physically removing the features that created the illegal dwelling unit. In most cases, in order to comply with a Notice of Violation for an illegal dwelling unit, an owner will need to take at least one of the following actions:

1. Remove the kitchen and all food preparation and storage areas, including all cooking appliances, refrigerators, dishwashers and any special wiring for them, and the kitchen sink and cabinets; or
2. Remove either the toilet or the bathtub/shower from the bathroom; or
3. Reconfigure the area to eliminate all physical separation between the illegal dwelling unit and the legal dwelling unit or units on the property. They physical layout of the property may make this option impractical or impossible.

The inspector will explain the alteration options available to the owner to remove the illegal unit. The specific compliance requirements in each case will depend upon the unique characteristics of the property involved.

Are any other compliance options available to owners?

DPD recognizes that removal of the features that create an illegal dwelling unit can be both expensive and disruptive. Many owners purchase property with illegal units already installed, or in modifying their homes, innocently create an illegal dwelling unit.

To minimize the burden of compliance on those who intend to comply, DPD has established an alternative compliance option that, for many, is less burdensome than removal of the illegal unit. In lieu of actual removal of the illegal unit, DPD may accept the following a compliance with a Notice of Violation:

1. The owner must cease using the area as a separate dwelling unit.
2. The owner must make minor alterations to the property of make the area less likely to be used as a separate dwelling unit. The minor alterations usually involve removing door locks that separate the illegal unit from the rest of the structure and

removing the stove and stove wiring from the kitchen in the illegal unit. The inspector will specify which minor alterations will be required.

3. The owner must sign a legal agreement, a covenant stating that the involved area will not be used as a dwelling unit and that the owner will remove additional features if the area is used in the future as an illegal dwelling unit. The covenant must be filed with the King County deed records for the property and is binding on future owners.

This compliance option, involving the covenant and minor alterations to the illegal dwelling unit, will not be available on properties which have a history of illegal unit violations.

Whom do I contact if I have questions about illegal dwelling units?

If you wish to file a complaint about an illegal dwelling unit, contact DPD's Code Compliance Division at (206) 684-7899. For information about how to apply to legalize an existing unit or establish a new one, call the DPD Applicant Services Center at (206) 684-8850 to speak to a permit specialist.

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.