



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8300 Fax: (360) 778-8302 TTY: (360) 778-8382

RENTAL REGISTRATION AND SAFETY INSPECTION PROGRAM DIRECTOR'S RULE

APPLICABLE SECTION NUMBER AND TITLE:

BMC 6.15.030.A. Exemptions

DIRECTOR:

Rick Sepler, AICP

DATE:

November 23rd, 2015

ISSUES:

Determine if housing units occupied by a member (or members) of the owner's immediate family are exempt from registering with the Rental Registration & Safety Inspection Program.

FINDINGS:

1. BMC 6.15.100 states that *"The director is authorized to adopt, publish and enforce rules and regulations, consistent with this chapter and the standards in this chapter for the purpose of carrying out the provisions of this chapter, and it is unlawful to violate or fail to comply with any such rule or regulation."*
2. BMC 6.15.030.A.2. states that units unavailable for rent are exempt from the provisions of this chapter.
3. BMC 6.15.020.Y. defines "unit unavailable for rent" as *"a residential housing unit that is not offered or available for rent as a rental unit [...]"*
4. BMC 6.15.020.O. defines "rental unit" as *"a residential housing unit occupied or rented by a tenant or available for rent by a tenant."*
5. BMC 6.15.020.V. defines "Tenant" as *"a person occupying or holding possession of a building or premises pursuant to a rental agreement or who pays rent for occupancy or possession."*



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OPINION AND DIRECTOR'S RULE:

Housing units occupied by a member (or members) of the owner's immediate family are exempt from registering with the Rental Registration & Safety Inspection Program only if they meet the following conditions:

1. The family member does not hold possession of the property through a lease agreement or payments of rent and could therefore not be classified as a "tenant"; and
2. Any additional occupants unrelated to the owner (e.g. roommates) do not hold possession of the property through a lease agreement or payments of rent and could therefore not be classified as a "tenant".