

It Takes A Village To Keep Up The Neighborhood

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(Editor's Note: In this article, taken with permission from the current Seattle City Attorney newsletter, we take liberties with our traditional Day in the Life format to bring you a "chapter" in the life–recounted first-person by a municipal lawyer serving his community).

In early July 2014, Seattle Police Department (SPD) Officer Dave Gordon came to me with a small problem that would later become enough of an issue to make the local news.

A house at 1903 N. 137th St. in the Haller Lake area had been the subject of many complaints, including suspected drug activity, excessive garbage and constant traffic. The house was functioning as a temporary home for the tenant's friends and the yard – a temporary landfill.

I first checked with my usual contacts and learned that all of them had already visited the house at one time or another. The Department of Planning and Development (DPD) had completed some cursory inspections, the SPD Anti-Crime Team (ACT) team was watching the house carefully for drug activity, and the SPD Community Police Team (CPT) had contacted the residents of the home to warn them to get into compliance.

Second, I had to determine the legal status of the residents. Were they trespassers? There was no indication that the home had been previously boarded or abandoned, so no, they were not. Were they legal tenants? Possibly, but in order to determine that, we had to find out who owned the property. Officer Gordon tracked down the owner, but that didn't solve the problem as the property itself was tied up in a bankruptcy declaration. What we finally determined was that, despite the legal proceedings, the owner had maintained legal ownership of the property. Unfortunately, this was news to her because she believed she gave up the house in the bankruptcy.

The owner had relocated to California and, because of her mistaken belief that she lost the property in bankruptcy, she had stopped monitoring it. The last action she took was to lease the home to the current tenant's brother. The current tenant had moved in with his brother shortly after it had been leased and helped share the cost of utilities. It was discovered that the tenant also took it upon himself to make some "improvements" to the property, which resulted in the barrage of complaints.

Based on this information, we determined that the current tenant (brother) was a legal tenant and he was subject to a month-to-month tenancy. He could only be removed from the home through the eviction process under the Residential Landlord Tenant Act (RCW 59.18).

Just as we were gathering this information, Haller Lake community residents held a meeting on July 9. At this meeting I explained the differences between tenants and trespassers and discussed why the property did not amount to a chronic nuisance property under Seattle Municipal Code 10.09. Surprisingly, everyone at the meeting, with their new understanding of the home's legal status, decided to take up a collection to assist the property owner in hiring a landlord tenant attorney to file eviction proceedings against the occupants. On the spot, they managed to collect more than $1,000.

By mid-August, the owner of the home had hired an attorney, who was well into the eviction process. He had already served the required notices on the tenant and filed for eviction in court. However, many of the neighborhood residents were dissatisfied with the lengthy process and took their complaints to the media. Despite the discussions at our July meeting, the neighbors portrayed the situation as one where "squatters" took over the house and inexplicably gained legal protection. Understandably, these statements concerned several councilmembers,

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Brendan Brophy, Assistant City Attorney, is assigned to the Seattle Police Department's North Precinct. He implemented "STOP" (Specially Targeted Offender Program) to identify high-risk domestic violence offenders and has prosecuted various jury trials for assault, harassment, theft, and DUI. He is also a Staff Judge Advocate for the Washington State Army National Guard. Brendan attended the University of California, Davis and holds a JD from Seattle University School of Law.