

From: Don Cole <Don.Cole@mercergov.org>
Sent time: 12/16/2022 12:06:04 PM
To: Alicia Litts <adiane02@hotmail.com>
Subject: RE: 3215 72nd Ave. SE - Review of listed conditions in letter dated 10/24/2022

Hi Alicia,

Sorry for the delay. I spoke with Ivy Knapp, Assistant Property Manager, the heating coils arrived, and the vendor is making the installations at this time. Until complete, they intend to continue providing residents the temporary space heaters as necessary to provide the code required 70-degree temperature. The fire marshal is aware and requires the space heaters to be UL listed. The fire marshal's office does not inspect for proper use within the individual use.

As for the fan noise, the unit wall construction appeared to be intact at the time of my visit, which would have provided the required sound transmission control rating. I am not provided code authority to require fan replacement due to noise unless the unit fails to operate.

As previously discussed, tenants may have other remedies to address concerns that are not within the authority of city code enforcement, such as civil remedies, contacting the Attorney General's Office, which is the authority on the landlord Tenant Law, the Tenant's Union, etc. These resources may reach beyond the minimum codes enforced by the city of Mercer Island. For example, the provided certification letter to a tenant witnessing that the permanent heating system was not operational, which might be used as evidence in a Landlord Tenant dispute.

Please let me know if I can be of further assistance.

Don Cole

Building Official

City of Mercer Island - Community Planning & Development

206.275.7701 | merceraisland.gov/cpd | mybuildingpermit.com

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From: Alicia Litts <adiane02@hotmail.com>
Sent: Thursday, December 15, 2022 11:02 AM
To: Don Cole <Don.Cole@mercergov.org>
Subject: Re: 3215 72nd Ave. SE - Review of listed conditions in letter dated 10/24/2022

Hello Don, I can not find an email from you getting back to me as stated in your email below. I wanted to let you know that we still do not have heat, as well as many of the other residents who reside at 77 Central.

Thanks! Alicia

From: Don Cole <Don.Cole@mercergov.org>
Sent: Tuesday, December 6, 2022 12:25 PM
To: Alicia Litts <adiane02@hotmail.com>
Subject: RE: 3215 72nd Ave. SE - Review of listed conditions in letter dated 10/24/2022

Hi Alicia,

I will discuss with the fire marshal and get an update from the property manager. I will get back to you this afternoon.

From: Alicia Litts <adiane02@hotmail.com>
Sent: Thursday, December 1, 2022 9:52 AM
To: Don Cole <Don.Cole@mercergov.org>
Subject: Re: 3215 72nd Ave. SE - Review of listed conditions in letter dated 10/24/2022

Don, Can you test to see if the sound transmission meets the rating? Also, what about the health and safety concerns as the fan is the garage's CO ventilation system? Prior to a few months ago the system didn't produce the excessive noise it is now. My understanding is the noise is resulting because the bearings need to be replaced, which thus would reduce the noise. Furthermore, the bearings are the most critical factor in a fan's lifetime and the fan's performance. Without or worn-out fan bearings the ventilation system can not function properly or not at all. I am extremely concerned about the function as I live directly above the garage and CO poisoning is deadly. Below are videos I took yesterday to show the noise has not been addressed as stated by you in your email below.

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As for the heat issue, how long is too long to be without heat and what temperature is considered adequate? I was informed yesterday that the HVAC will not be repaired until Christmas, which means I will be without permanent heat for two months. Also, the unit's thermostat reading is incorrect and reads higher than actual, which I have confirmed with a refrigerator thermometer. Finally, I am not just concerned about my health and safety for the lack of heat (i.e., the two space heaters I have been provided don't adequately heat my entire unit), but for the dangers that could result from the temporary heat sources we have all been provided. Space heaters are a major fire risk and I am not the only person here without heat. At any given time at least two/three HVACs have been down, which means ~45 or more space heaters are running within the complex. When 77 Central gave me the first and second space heater (i.e., given on two separate occasions) I was not provided any fire safety guidance. Did you know space heaters are behind 79 percent of deadly home heating fires, according to the National Fire Protection Association. Half of those fires start because an object sitting within three feet of the heater got too hot and caught fire (no safety mechanism for that on the heaters), but even plugging the equipment into the wrong outlet could put us in danger. Apparently, you should not plug space heaters into extension cord or power strips - I actually made this mistake thinking it was safer. Power strips are not designed to handle the energy load of a space heater and can overheat causing a fire hazard. Heaters need to be plugged directly into an outlet, but not just any outlet as you need to ensure the outlet can handle the energy load. I made that mistake and blew a fuse. The heaters instructions provide volts and Hzs and the breaker lists amps. I am not an electrician and google was not super helpful on conversions. Per my husband who is a firefighter (i.e., all coasties assigned to ships are firefighters) I am not to leave the heaters running out of sight. Actually, a fire started on his ship last year because one was left unattended. He is deployed and didn't see or witness my fails mentioned above. If I am not in the room, it is off. So that means my pets are without heat if they are not with me or I am gone, which is troubling. This makes me wonder what safety measures my neighbors are taking and those especially with kids who very well could be left unattended with space heaters. I am almost middle-aged and read the instructions and I have already had two misshapes. The last thing I or any of my neighbors want is a fire resulting from the temporary heat source we have all been provided since 77 Central can't get out our permanent heat source repaired. Should I notify the Fire Marshal of my concerns?

Thank you for all your assistance. Alicia

From: Don Cole <Don.Cole@mercergov.org>
Sent: Wednesday, November 30, 2022 6:38 PM
To: Alicia Litts <adiane02@hotmail.com>
Subject: RE: 3215 72nd Ave. SE - Review of listed conditions in letter dated 10/24/2022

Hi Alicia, you're welcome, glad to help.

The code sections I have related to fan noise are for a maximum level at the adjacent property line and for a wall/ceiling construction assembly to provide an STC-50 rating (sound transmission control). The property line section won't help, but if the wall or ceiling has been breached, they would need to fix the breach to restore the STC-50 rating.

From: Alicia Litts <adiane02@hotmail.com>
Sent: Tuesday, November 29, 2022 3:19 PM
To: Don Cole <Don.Cole@mercergov.org>
Subject: Re: 3215 72nd Ave. SE - Review of listed conditions in letter dated 10/24/2022

Hi Mr. Cole, thank you so much for your response. Yes, it my understanding that heat repairs are still on going. As of thanksgiving morning the noise from the fans have not been mitigated. I will confirm tonight when I return. If in fact the noise is still an issue will you come out and reinspect?

Thanks! Alicia

Sent from my iPhone

On Nov 29, 2022, at 1:09 PM, Don Cole <Don.Cole@mercergov.org> wrote:

Dear Alicia,

Per your RCW 59.18.115 request for an inspection, a site visit was made on November 17, 2022 to review your specific listed concerns and verify whether the conditions existed at the time of my visit. No other conditions were reviewed, and no other areas of the premises visited. The sole purpose of this review was to verify, to the

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best of my ability, whether specifically listed conditions existed. This letter is for the purposes of your private civil remedy, and therefore shall not be related to any other governmental function of the City of Mercer Island. During my visit, you reported providing the owner written notice of these same items more than 72 hours ago and that notification of some items occurred almost a month ago. Also, you reported that none of the items had been adequately corrected. You directed me to view the listed concern within your letter dated October 24, 2022 in order to check whether the specific conditions still existed. Please see the following description of findings for each item. Also, I discussed each item with the property manager, Nora Grant, and have included status information when applicable.

- 1). At the time of my inspection, it was confirmed that permanent heating system was not operational. Temporary heating was provided and based on the unit's thermostat reading, appeared to maintain adequate heat within the unit. The property manager indicated that due to supply delays the permanent heat system would not be repaired until the first week in December. However, adequate temporary heating will be provided.
- 2). At the time of my inspection, it was confirmed that the large ventilation fan located in garage the was operational. The property manager indicated that emanating noise concerns had been mitigated.
- 3). At the time of my inspection, the glass shower door was being replaced. The property manager indicated that this work was completed.
- 4). As discussed, the AC unit operation is not subject to the housing code or city related enforcement of the landlord tenant law. You may want to review my prior email with information about other tenant resources (Attorney General's Office, tenants union, etc.).
- 5). At the time of my inspection, the hot water to the plumbing fixtures was operational. The property manager confirmed that permanent repairs have been completed.

Please let me know if I can be of further assistance. I can be reached at (206) 275-7701 or don.cole@mercergov.org if you have any questions.

Sincerely,
Don Cole, Building Official
Development Services Group, City of Mercer Island
9611 SE 36th St. Mercer Island, WA 98040-3732
206.275.7605 phone 206.275.7726 fax
206.275.7701 voicemail don.cole@mercergov.org

From: Alicia Litts <adiane02@hotmail.com>
Sent: Wednesday, November 23, 2022 7:22 PM
To: Don Cole <Don.Cole@mercergov.org>
Subject: Re: [77 Central Neighbors] For those with no heat (or other safety issues)

Hello Mr. Cole, as of tomorrow it will be one month we have been without heat. If I remember correctly you were going to send a report confirming we didn't have heat at the time of your visit. I have not received the report and wanted to check on the status. If I am wrong please let me know what I should be expecting from your visit.

Hope you have a happy and warm thanksgiving!

Thanks! Alicia

Sent from my iPhone

On Nov 9, 2022, at 12:13 PM, Alicia Litts <adiane02@hotmail.com> wrote:

Mr. Cole, your information was passed to me by Laura Shepherd as I am also a resident of 77 Central. I gave C&W notice of repairs required on October 24, 2022 - attached. As of today, November 9, 2022, items 1 and 2, which are serious health and safety issues and possibly item 5 if not properly repaired, have not been addressed. Per the Washington Residential Landlord Tenant Act, Cushman & Wakefield should have already started all of the repairs requested. Most urgent of these matters is item 1 the LOSS of HEAT followed by item 2 the CO ventilation system. We have been without heat for over two weeks. WINTER IS HERE and as of this morning it was 33 degrees. The cold weather/rain drives people and their cars indoors and without a properly maintained CO ventilation system there is the potential for increased CO poison and possibly death of tenants, visitors, 77 Central staff and their contracted workers. I am

requesting your assistance due to Cushman & Wakefield's unresponsiveness to the health and safety repairs needed at 77 Central.

Thanks! Alicia Litts

703.447.8789

From: 77-central-neighbors@googlegroups.com <77-central-neighbors@googlegroups.com> on behalf of Laura E. Shepherd <laura.shepherd@comcast.net>
Sent: Saturday, November 5, 2022 12:11 AM
To: 77 Central Neighbors <77-central-neighbors@googlegroups.com>
Subject: [77 Central Neighbors] For those with no heat (or other safety issues)

Today I had a conversation with the Mercer Island Building Official that handles landlord-tenant issues. All he is able to do is act as a neutral third party to verify the landlord has not resolved a **safety issue** in the timeframe required **after receiving proper notice from the tenant**. This is needed if there is ever a lawsuit but it can also be used as a way to get repairs done in a more timely fashion.

He did say the Attorney General is where you would go to file a complaint for violation of the Landlord-Tenant Act defined by the RCW, however, in his experience, that route is not always productive. If the city pays a visit, that can be much more effective.

He can assist with heat, and the recycling room if that becomes a fire hazard again. I suspect mold as well. He is not able to help with hot tub, ice on sidewalks, cleanliness, utility billing, and the like.

Before contacting him to request a visit, tenants with a safety issue will need to give the property manager official notice requesting repairs and give them the opportunity to make the repair in the timeframe required by law. **Please see his instructions highlighted in yellow below.** The sample text for a Notice Requesting Repairs is in the attached word doc.

Laura

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<https://www.washingtonlawhelp.org/resource/tenants-what-to-do-if-your-rental-needs-repai>

["Tenants: If You Need Repairs" Packet](#)

Begin forwarded message:

From: Don Cole <Don.Cole@mercergov.org>
Subject: Landlord Tenant law discussion
Date: November 4, 2022 at 3:37:16 PM PDT
To: "laura.shepherd@comcast.net" <laura.shepherd@comcast.net>

Hello Laura,

Per our phone conversation, here is a link to the Washington State Landlord-Tenant Law. Specifically, see RCW Section 59.18.115 providing the process for local government certification. **Please provide me a copy of your written and dated letter to your landlord**

MI_0014

requesting the repair(s). If they have not complied within the RCW's specified time frame for compliance, please call me to arrange a meeting time to certify your concerns.
<http://apps.leg.wa.gov/RCW/default.aspx?cite=59.18>

Also, below are two web site links that might provide a friendlier version of the RCW. However, I do not know if these sites are accurate or up to date, so please remember the actual RCW prevails.

<http://tenantsunion.org/en/rights/steps-to-request-a-repair>

<https://www.washingtonlawhelp.org/resource/your-rights-as-a-tenant-in-washington>

Please let me know if I can be of further assistance.

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Don Cole, Building Official
Community Planning & Development
City of Mercer Island
9611 SE 36th St. Mercer Island, WA 98040-3732

206.275.7605 phone
206.275.7701 voicemail
don.cole@mercergov.org
www.mybuildingpermit.com

206.275.7726 fax
206.275.7730 inspections
www.mercergov.org
[Building Permit Information](#)

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Monday 8:30 a.m. – 4:00 p.m.
Tuesday 8:30 a.m. – 4:00 p.m.
Wednesday 10:00 a.m. – 4:00 p.m.
Thursday 8:30 a.m. – 4:00 p.m.
Friday 8:30 a.m. – 4:00 p.m.

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