

From: Don Cole <Don.Cole@mercergov.org>
Sent time: 01/10/2023 03:29:47 PM
To: gilbysan@gmail.com
Cc: Laura E. Shepherd <laura.shepherd@comcast.net>; Susan Casserd <susancasserd@gmail.com>
Subject: RE: Status of heating at 77Central

Hello Bob,

Yes, I was made aware of this situation in early November and in contact with the onsite property managers, Nora and Ivy. Although I am glad that permanent heat has been restored to many units, I share your concern about the conflicting information received on the status of the remaining repairs. I had been told several times that repairs would be complete by a certain date, only to find the date was not met and further repairs were still needed. So yesterday, I spoke with the regional manager, Jenny Richards, she assured me the 77 Central heating repairs are their top priority and they will continue working until all units have their permanent heating systems restored. She apologized for their mistaken predictions, citing several factors including their team's unfamiliarity with repair times for some of the equipment, but mostly delays in the supply chain (holidays/bad weather), limited availability of service technicians, and unfortunately finding that some of the repaired systems needed additional repairs. Although reluctant to make another prediction given their track record, she believes that repairs will continue to be made to restore additional units with heat returned to all units before the month's end.

Her response was forthcoming, genuine and with her stated repair plan, the city does not intend to take further code enforcement action at this time. However, it is my intention to take further code enforcement action if management does not provide adequate temporary heat or does not continue to make reasonable best efforts to complete the needed repairs.

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

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.

<http://apps.leg.wa.gov/RCW/default.aspx?cite=59.18>

Also, below are two web site links that might provide information and 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>

Thank you for helping to work through this situation and please feel free to call me at anytime to discuss in more detail.

Don Cole

Building Official

City of Mercer Island - Community Planning & Development

206.275.7701 | mercerialand.gov/cpd | mybuildingpermit.com

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The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City Hall and City service hours of operation.

From: gilbysan@gmail.com <gilbysan@gmail.com>
Sent: Friday, January 6, 2023 4:41 PM
To: Don Cole <Don.Cole@mercergov.org>
Cc: Laura E. Shepherd <laura.shepherd@comcast.net>; Susan Casserd <susancasserd@gmail.com>
Subject: Status of heating at 77Central

Don,

I have cc'd my colleagues Laura Shepherd and Susie Casserd who have taken on the coordination of in and outbound communications for among over 100 residents (60+ apartments).

Thanks for your diligence in monitoring the heating issue. A fairly large group of residents have escalated our many concerns to C&W above the local and regional level; your offices are a part of this escalation, of course. Heat unfortunately, is not the only critical issue we are facing at 77Central; but it is the one that needs constant and immediate attention.

One of our residents who have escalated their heating problems to you will report on other residents, like me and my wife who are without heat. Some heat has been restored, so there has been progress to be sure. Having said this, there has been a pathological disconnect between what property management says to residents and the ground truth. This has been categorical

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across every potential problem area you can imagine in a mid-size residential property. Staff do not seem to grasp the nuance and complexity of the HVAC system installed at 77Central and constantly misstate both the problems and any potential timing or solutions. Not all heat has been restored, I have received no update from anyone at C&W as to status or next steps. My update had to come from the Tech's working on the issues.

Anything within your office's authority that will help restore heat to all residents is greatly appreciated. At the very least – pun intended, keep the up heat with them to insure they completely and as quickly as possible, resolve all outstanding heating issues. We are doing our part and will respond to any requests from your office for information, etc.

Sincerely,

Bob Gilbert
425.246.9789
Unit A521