

**FINDINGS AND DECISION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Appeal of

**MICHELLE FREDERICKS and  
DONALD LAPORTE**

Hearing Examiner File:  
**RA-13-009**

from an eligibility determination by the Director,  
Department of Planning and Development under  
the Tenant Relocation Assistance Ordinance

**Introduction**

The Director, Department of Planning and Development, issued a determination that Michelle Fredericks and Donald Laporte were not eligible for relocation assistance under the Tenant Relocation Assistance Ordinance, Chapter 22.210 SMC. Ms. Fredericks and Mr. Laporte timely appealed the Director's determination.

The appeal hearing was held on September 12, 2013, before the undersigned Hearing Examiner. Parties represented at the hearing were the Appellants, Michelle Fredericks and Donald Laporte, *pro se*, and the Director, Department of Planning and Development (Director), by Dulcie O'Sullivan, Housing Ordinance Specialist.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code (SMC or Code) unless otherwise indicated. After considering the evidence elicited during the hearing, the Examiner enters the following findings of fact, conclusions and decision on the appeal.

**Findings of Fact**

1. The Appellants are tenants at property located at 1205 NE 88<sup>th</sup> Street. The property owner applied for a tenant relocation license for the property on May 16, 2013. The Appellants were listed as tenants at the property and received a Tenant Information Packet on June 18, 2013. Exhibit 1.B.
2. The Appellants submitted a timely income certification form to the Director on July 17, 2013. For Appellant Fredericks, the form showed a 2012 gross income of "Approx. \$16,000.00" and a 2013 gross income of "Approx. \$8000.00". For Appellant Laporte, the form showed no income for 2012 and a 2013 gross income of \$2,500.00. Exhibit 1.C. The form also showed a monthly rent obligation of \$1000.00.
3. Pursuant to SMC 22.210.090.C, the Department sent the Appellants a letter dated July 17, 2013 requesting additional written supporting documentation for Mr. Laporte's

income. The letter included a list of the written documentation required and stated an August 5, 2013 deadline for receiving it. Exhibit 1.D.

4. There is no evidence that the Appellants contacted the Department after receiving the July 17, 2013 letter to discuss or seek clarification of the Department's request.

5. On the August 5, 2013 deadline, the Department received a cover letter dated August 4, 2013 from Appellant Fredericks, a "Financial Benefit Statement," and a "Vendor Ledger" for "jv1205 – 1205 NE 88<sup>th</sup> St (oBuiUrb)" dated January 2013 through July 2013. The cover letter stated that Appellant Laporte was recovering from an accident in 2012, was not required to file a tax return for 2012, and had no W-2 statements or 1099 forms for that year. The "Financial Benefit Statement" was written by Appellant Fredericks and stated that she had provided Appellant Laporte with financial support in the amount of \$5000 during 2012. The "Vendor Ledger" shows payments totaling \$2,535.00 to Appellate Laporte during 2013 from an unidentified source.

6. In response to an inquiry by the Department, the State of Washington disclosed that Appellant Laporte had received an additional \$1000.00 of income that the Appellants had not reported to the Department.

7. The Department determined that the Appellants had failed to provide the information necessary to demonstrate eligibility for relocation assistance by the August 5, 2013 deadline. The Department therefore denied the request for assistance by letter of August 9, 2013.

8. SMC 22.210.100.A provides that "low-income tenants" are eligible for relocation assistance under certain, specified circumstances. "Low-income" is defined in SMC 22.210.030.G as meaning the "total combined income per dwelling unit is at or below fifty percent (50%) of the median income, adjusted for family size, in King County, Washington."

9. As determined by the United States Department of Housing and Urban Development, the maximum household income allowable for a low-income household of two people in King County is \$34,700.

### **Conclusions**

1. The Hearing Examiner has jurisdiction over this appeal pursuant to SMC 22.210.150.
2. Only tenants who demonstrate that they are "low-income" under the Code are eligible for relocation assistance under SMC 22.210.100.
3. The undocumented income reported by the Appellants does not appear credible. Even if the \$1000 in unreported income for Appellant Laporte is considered, it appears that the Appellants had a combined annual gross income of no more than \$19,000, and rent

payments of \$12,000, leaving them \$7,000, or approximately \$580 per month, for food, utilities, transportation, clothing, and all other required expenses for two people.

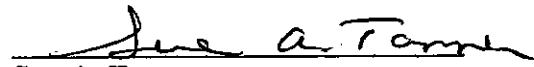
4. The Appellants did not provide the income documentation requested by the Director in the July 17, 2013 letter, and did not attempt to contact the Director in advance of the August 5, 2013 deadline to inquire about what was being required of them.

5. The Appellants have not demonstrated that they meet the definition of "low-income tenant" under SMC 22.210.030G, and the Director's determination should therefore be affirmed.

#### **Decision**

The determination of the Director is **AFFIRMED**. The Appellants are not eligible for tenant relocation assistance under SMC 22.210.100.

Entered this 16<sup>th</sup> day of September, 2013.

  
Sue A. Tanner  
Hearing Examiner

#### **Concerning Further Review**

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

A party's request for judicial review must be filed with the King County Superior Court within ten calendars of the date of this decision. See SMC 22.210.150.

If the Superior Court orders review of the decision, the person seeking review must arrange for and bear the initial cost of preparing a verbatim transcript of the hearing. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, PO Box 94729, Seattle, Washington 98124 (206) 684-0521.