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ENGROSSED SUBSTITUTE SENATE BILL 5091

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State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Roach, Swecker and Winsley)

Read first time 02/27/97.

1 AN ACT Relating to the jurisdiction of district and superior courts  
2 over real property; adding new sections to chapter 59.18 RCW; and  
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature declares that multiple  
6 and sometimes inconsistent residential landlord-tenant laws result in  
7 unfair determinations in both district and superior courts of this  
8 state resulting in the denial of due process.

9 (2) In order to provide for uniform fairness and due process in the  
10 application of state law, it is the intent of the legislature that:

11 (a) Local political subdivisions that have not adopted ordinances  
12 regulating residential landlord-tenant relationships before January 1,  
13 1998, not adopt ordinances inconsistent with chapter 59.18 RCW, the  
14 state residential landlord-tenant act; and

15 (b) Inconsistent local laws in existence as of January 1, 1998, not  
16 be amended to create further inconsistencies with this act.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW  
18 to read as follows:

1 The state of Washington hereby fully occupies and preempts the  
2 field of landlord-tenant regulation within the boundaries of the state  
3 to the extent provided in chapter . . . , Laws of 1997 (this act).  
4 Local laws not in existence as of January 1, 1998, that are  
5 inconsistent with, more restrictive than, or exceed the requirements of  
6 state law shall not be enacted, regardless of the nature of the code,  
7 charter, or home rule status of the city, town, county, or other  
8 municipality. No local laws enacted prior to January 1, 1998, that are  
9 inconsistent with chapter . . . , Laws of 1997 (this act) shall be amended  
10 to create further inconsistencies with chapter . . . , Laws of 1997 (this  
11 act).

12 Affirmative defenses to an unlawful detainer action that change the  
13 duties of a landlord or tenant that are inconsistent with, more  
14 restrictive than, or exceed the requirements chapter . . . , Laws of  
15 1997 (this act) shall not be enacted regardless of the nature of the  
16 code, charter, or home rule status of the city, town, county, or other  
17 municipality.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18 RCW  
19 to read as follows:

20 (1) The requirements of sections 1 and 2 of this act do not apply  
21 to local laws that are intended to directly affect the physical safety  
22 of a residential tenant and the physical safety provisions applying to  
23 the tenants in the local law are not otherwise covered by this chapter.  
24 For purposes of this section, "physical safety" means the physical  
25 health or security of a tenant.

26 (2) In any proceeding to determine whether a local law directly  
27 affects physical safety, a court shall not restrict its consideration  
28 to a statement of local legislative intent or finding and shall  
29 consider whether voiding a local law as inconsistent with this chapter  
30 will result in a direct and significant increase in the risk to  
31 physical safety of residential tenants and the risk is not otherwise  
32 covered by this chapter.

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