

FINAL BILL REPORT

SSB 6459

C 148 L 10
Synopsis as Enacted

Brief Description: Concerning the inspection of rental properties.

Sponsors: Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Berkey, Marr and Schoesler).

Senate Committee on Financial Institutions, Housing & Insurance
House Committee on Judiciary

Background: The Residential Landlord-Tenant Act (RLTA) establishes the rights and duties of landlords and tenants.

Remedies for Defective Conditions. If a rental unit has a defective condition, the tenant is to notify the landlord in writing and the RLTA provides a timeline as to how long a landlord has to respond to a tenant's complaint. For example:

1. a landlord has 24 hours to respond to issues involving hot or cold water, heat, electricity, or issues considered imminently hazardous to life;
2. a landlord has 72 hours to respond to issues involving the refrigerator, range or oven, or major plumbing fixture; and
3. not more than ten days to respond to all other issues.

If the landlord fails to remedy the condition, the tenant has a choice of remedies as provided for under the RLTA, including terminating the tenancy.

Tenant Complained Based System. Under the RLTA, a tenant may request that the local government inspect the unit for defective conditions. However, the tenant must first notify the landlord of the problems and if the landlord fails to remedy the condition, then the tenant may request that the local government inspect the unit for that specific condition. The local government is to inspect the unit to verify whether the condition exists and if it endangers the tenant's health or safety. The landlord may not prohibit entry for the inspection or retaliate against the tenant for filing such a complaint.

Search Warrant Authority. Under the RLTA, upon a showing of probable cause that a criminal fire code violation exists in the dwelling unit, a court of competent jurisdiction must issue a search warrant to the fire official. The RLTA does not provide for administrative search warrant authority and local governments may only be granted such authority by statute.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

City of Pasco. State law does not prohibit jurisdictions from adopting local mandatory rental housing inspection programs. To date, the City of Pasco is the only city to have adopted a local mandatory rental housing inspection program. This program requires landlords to hire inspectors to do building code inspections in order to receive a business license. The enacting ordinance was challenged in court and upheld by the State Supreme Court. Since the landlord, not the city, chooses who can inspect the unit and when the inspection can be done, it was determined that the program does not violate state or federal constitutional protections from unreasonable searches or invasions of privacy.

Summary: Certificate of Inspection. Local municipalities may require landlords to provide a certificate of inspection as a business license condition. A local municipality does not need to have a business license or registration program in order to require landlords to provide a certificate of inspection. A certificate of inspection is defined. A local municipality may only require a certificate of inspection on a rental property once every three years. When certain conditions are met, rental properties may be exempt from inspection requirements.

Generally, multi-unit rental properties are inspected by a sampling based on the number of units, or the property owner may elect to have all of the units inspected. If a rental property is asked to provide a certificate of inspection for a sample of units and a selected unit fails an initial inspection, the local municipality may require all of the units to provide a certificate of inspection. A local municipality may also require all of the units to provide a certificate of inspection if a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection.

Appeals. If a rental property owner does not agree with the findings of an inspection performed by a local municipality, the local municipality is required to offer an appeals process.

Notice to Tenants. A landlord must provide written notice of his or her intent to enter an individual unit for the purposes of providing a local municipality with a certificate of inspection. The notice must indicate: (1) the date and approximate time of the inspection; (2) the company or person performing the inspection; and (3) that the tenant has the right to see the inspector's identification before the inspector enters the individual unit. Upon request, a copy of the notice must be provided to the inspector on the day of inspection.

Penalties. A penalty for noncompliance may be assessed by the local municipality. Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, is guilty of a gross misdemeanor and must be punished by a fine of not more than \$5,000.

Search Warrant Authority. A search warrant may be issued by a judge for the purpose of allowing a code enforcement official to inspect any specified dwelling unit and premises to determine the presence of an unsafe building condition or a violation of any building regulation, statute, or ordinance. The search warrant may only be issued if sufficient evidence has been set forth by affidavit or declaration establishing probable cause for the

inspection. Provisions are created to address the information that must be contained in the warrant and when an inspection to a warrant may be conducted.

Any person who willfully refuses to permit inspection, obstructs inspection, or aids in the obstruction of property authorized by the warrant is subject to remedial and punitive sanctions for contempt of court and may be subject to a civil penalty imposed by local ordinance.

Other. After the effective date of this act, a local municipality may not enact an ordinance requiring a certificate of inspection unless it complies with the requirements for inspection created by the act.

Votes on Final Passage:

Senate	41	7	
House	96	0	(House amended)
Senate	38	8	(Senate concurred)

Effective: June 10, 2010