

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1043

55th Legislature
1998 Regular Session

Passed by the House March 9, 1998
Yeas 58 Nays 38

**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1998
Yeas 30 Nays 16

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1043** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1043

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Schoesler, Dunn and Smith)

Read first time 03/05/97.

1 AN ACT Relating to the regulation of residential landlord-tenant
2 duties; adding new sections to chapter 59.18 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the important
6 goal of maximizing local control of public policy issues sometimes
7 needs to be balanced with the also important goal of providing
8 predictability and consistency in laws likely to be encountered by
9 citizens as they move or engage in business across the state.

10 (2) In order to provide a substantial measure of uniformity in the
11 application of state landlord-tenant law while recognizing the
12 importance of the process that has already led some local jurisdictions
13 to adopt local laws, it is the intent of the legislature that:

14 (a) Local jurisdictions that have not adopted ordinances regulating
15 residential landlord-tenant relationships before January 1, 1999, not
16 adopt ordinances inconsistent with chapter 59.18 RCW, the state
17 residential landlord-tenant act; and

18 (b) Local laws in existence as of January 1, 1999, not be amended
19 in a manner inconsistent with section 2 of this act.

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

3 Except as provided in section 3 of this act, the state of
4 Washington hereby fully occupies and preempts the field of landlord-
5 tenant regulation within the boundaries of the state. Local laws not
6 in existence as of January 1, 1999, that are inconsistent with, more or
7 less restrictive than, or exceed or fall below the requirements of
8 state law shall not be enacted regardless of the nature of the code,
9 charter, or home rule status of the city, town, county, or other
10 municipality. Local laws in existence as of January 1, 1999, shall not
11 be amended to create inconsistencies with this section.

12 Except as provided in section 3 of this act, affirmative defenses
13 to an unlawful detainer action that change the duties of a landlord or
14 tenant that are inconsistent with, more or less restrictive than, or
15 exceed or fall below the requirements of state law shall not be enacted
16 regardless of the nature of the code, charter, or home rule status of
17 the city, town, county, or other municipality.

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

20 (1) Section 2 of this act does not apply to local laws that are
21 intended to affect directly the physical safety of a residential
22 tenant. For purposes of this section "physical safety" means the
23 physical health or security of a tenant.

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

30 (3) Section 2 of this act does not apply to local laws that are
31 intended to protect tenants from discrimination on the basis of race,
32 ancestry, gender, national origin, marital status, creed, color, age,
33 parental status, participation in a program under section eight of the
34 United States Housing Act (42 USC 1437 (f)) as now or hereafter
35 amended, political ideology, the presence of any sensory, mental or
36 physical disability, or the use of a trained guide dog or service dog
37 by a disabled person.

1 (4) Section 2 of this act does not apply to local ordinances
2 dealing with landlord-tenant relations for houseboats, floating homes,
3 or floating home docks.

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