
SUBSTITUTE SENATE BILL 5091

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 1997, 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, 1997, 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, 1997, 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. Local laws in existence as of January 1, 1997, that are
9 inconsistent shall not be amended to create further inconsistencies
10 with chapter . . . , Laws of 1997 (this act).

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

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

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

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

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