

HOUSE BILL REPORT

2ESB 6001

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to inspections of tenant dwelling units by fire department officials for fire code violations.

Brief Description: Inspecting tenant dwelling units for fire code violations. (REVISED FOR 2ND ENGROSSED: Authorizing inspections of tenant dwelling units for fire code violations.)

Sponsors: Senators Carlson and Winsley.

Brief History:

Committee Activity:

Local Government & Housing: 2/12/02, 2/28/02 [DPA].

Brief Summary of Second Engrossed Bill
(As Amended by House Committee)

- Providing that, upon written notice of intent to seek a search warrant, if a tenant or landlord denies a fire official the right to search a dwelling unit or common area for fire code violations, a fire official may immediately seek a warrant from a court of competent jurisdiction upon a showing of probable cause specific to the dwelling unit or common area sought to be searched, that criminal fire code violations exist.
- Provides that evidence obtained pursuant to a valid search warrant may be used in subsequent civil or administrative actions.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass as amended. Signed by 11 members: Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken, Ranking Minority Member; Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Staff: Amy Wood (786-7127).

Background:

Under state statutes, local fire officials are authorized to administer and enforce fire codes and regulations. Any person violating the provisions of any fire regulation adopted by any board or county commissioners shall be guilty of a misdemeanor. The enforcement authority of local officials includes the authority to obtain a search warrant on showing of probable cause for violations of criminal fire regulations. Court rules authorize both superior courts and inferior courts to issue misdemeanor, or criminal, search warrants upon a showing of probable cause. Any evidence obtained pursuant to a valid search warrant may be used in a subsequent civil or administrative action.

Summary of Amended Bill:

The Landlord/Tenant Act is amended to expressly state that when a tenant or landlord denies a fire official the right to search a dwelling unit or common area for fire code violations, a fire official may obtain a warrant from a court of competent jurisdiction upon a showing of probable cause specific to the dwelling unit or common area sought to be search, that criminal fire code violations exist. Any evidence obtained pursuant to a valid search warrant may be used in a subsequent civil or administrative action.

Amended Bill Compared to Original Bill:

Non-substantive grammar revisions were made to enhance readability.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is good for fire departments, tenants, landlords, and life safety. This bill received a lot of attention last session. A contingent of the apartment association, the city of Vancouver, the fire chiefs, the Vancouver city attorney all came together to draft this compromise bill to provide safety for tenants. This was the result of a lot of hard work and it should go forward. This statute provides limited civil enforcement. It gives flexibility to law enforcement.

Testimony Against: None.

Testified: Senator Carlson, prime sponsor; Mark Brown, city of Vancouver; David Lynmon, Fire Marshall, Clarke County; Tyler Moore, Assistant City Attorney, city of Vancouver; Doug Neyhart, Rental Housing Association; and Erik McWhinney, Apartment Association.

