

# FINAL BILL REPORT

## 2ESB 6001

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Synopsis as Enacted

**Brief Description:** Authorizing inspections of tenant dwelling units for fire code violations.

**Sponsors:** Senators Carlson and Winsley.

**Senate Committee on Judiciary**  
**House Committee on Local Government & Housing**

**Background:** There is currently no civil authority for a fire department official to enter any building to inspect for fire code violations. The chief of the Washington State Patrol, through the director of fire protection, is given authority to enter any building other than a private dwelling to inspect for fire hazards. However, if entry is denied, the director of fire protection is given no statutory authority to enforce the right to enter by obtaining a civil court order for inspection.

The United States Supreme Court has ruled that Washington courts are without authority to issue warrants allowing civil inspection for fire code violations because no statute or court rule provides that authority. A specific authorizing statute is necessary. Fire department officials are concerned that they are not able to inspect dwelling units in an apartment building even when they have reason to believe that dangerous conditions exist in the unit. Conditions which constitute a fire danger are especially hazardous in multi-unit apartment buildings since a fire in one unit constitutes a serious risk to all occupants of the building.

**Summary:** Fire officials may immediately seek a search warrant if tenants or landlords deny the fire official the right to search dwelling units and common areas. A court must issue a search warrant if it finds that there is probable cause, specific to the dwelling unit or common area, of a criminal fire code violation. Evidence obtained during a fire inspection may be used in a civil or enforcement action.

**Votes on Final Passage:**

Senate	47	0	
House	92	0	(House amended)
Senate	44	0	(Senate concurred)

**Effective:** June 13, 2002