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SENATE BILL 6852

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State of Washington

60th Legislature

2008 Regular Session

By Senators Kohl-Welles, Keiser, Weinstein, Fairley, Franklin, Kline, and Rockefeller

Read first time 01/28/08. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the presence of toxins in households or  
2 dwellings; amending RCW 59.18.060; adding a new section to chapter  
3 43.70 RCW; creating a new section; and providing an expiration date.

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

5 **Sec. 1.** RCW 59.18.060 and 2005 c 465 s 2 are each amended to read  
6 as follows:

7 The landlord will at all times during the tenancy keep the premises  
8 fit for human habitation, and shall in particular:

9 (1) Maintain the premises to substantially comply with any  
10 applicable code, statute, ordinance, or regulation governing their  
11 maintenance or operation, which the legislative body enacting the  
12 applicable code, statute, ordinance or regulation could enforce as to  
13 the premises rented if such condition substantially endangers or  
14 impairs the health or safety of the tenant;

15 (2) Maintain the roofs, floors, walls, chimneys, fireplaces,  
16 foundations, and all other structural components in reasonably good  
17 repair so as to be usable and capable of resisting any and all normal  
18 forces and loads to which they may be subjected;

1 (3) Keep any shared or common areas reasonably clean, sanitary, and  
2 safe from defects increasing the hazards of fire or accident;

3 (4) Provide a reasonable program for the control of infestation by  
4 insects, rodents, and other pests at the initiation of the tenancy and,  
5 except in the case of a single family residence, control infestation  
6 during tenancy except where such infestation is caused by the tenant;

7 (5) Except where the condition is attributable to normal wear and  
8 tear, make repairs and arrangements necessary to put and keep the  
9 premises in as good condition as it by law or rental agreement should  
10 have been, at the commencement of the tenancy;

11 (6) Provide reasonably adequate locks and furnish keys to the  
12 tenant;

13 (7) Maintain all electrical, plumbing, heating, and other  
14 facilities and appliances supplied by him in reasonably good working  
15 order;

16 (8) Maintain the dwelling unit in reasonably weathertight  
17 condition;

18 (9) Except in the case of a single family residence, provide and  
19 maintain appropriate receptacles in common areas for the removal of  
20 ashes, rubbish, and garbage, incidental to the occupancy and arrange  
21 for the reasonable and regular removal of such waste;

22 (10) Except where the building is not equipped for the purpose,  
23 provide facilities adequate to supply heat and water and hot water as  
24 reasonably required by the tenant;

25 (11)(a) Provide a written notice to all tenants disclosing fire  
26 safety and protection information. The landlord or his or her  
27 authorized agent must provide a written notice to the tenant that the  
28 dwelling unit is equipped with a smoke detection device as required in  
29 RCW ((~~48.48.140~~)) 43.44.110. The notice shall inform the tenant of the  
30 tenant's responsibility to maintain the smoke detection device in  
31 proper operating condition and of penalties for failure to comply with  
32 the provisions of RCW ((~~48.48.140~~)) 43.44.110(3). The notice must be  
33 signed by the landlord or the landlord's authorized agent and tenant  
34 with copies provided to both parties. Further, except with respect to  
35 a single-family residence, the written notice must also disclose the  
36 following:

37 (i) Whether the smoke detection device is hard-wired or battery  
38 operated;

1 (ii) Whether the building has a fire sprinkler system;  
2 (iii) Whether the building has a fire alarm system;  
3 (iv) Whether the building has a smoking policy, and what that  
4 policy is;  
5 (v) Whether the building has an emergency notification plan for the  
6 occupants and, if so, provide a copy to the occupants;  
7 (vi) Whether the building has an emergency relocation plan for the  
8 occupants and, if so, provide a copy to the occupants; and  
9 (vii) Whether the building has an emergency evacuation plan for the  
10 occupants and, if so, provide a copy to the occupants.  
11 (b) The information required under this subsection may be provided  
12 to a tenant in a multifamily residential building either as a written  
13 notice or as a checklist that discloses whether the building has fire  
14 safety and protection devices and systems. The checklist shall include  
15 a diagram showing the emergency evacuation routes for the occupants.  
16 (c) The written notice or checklist must be provided to new tenants  
17 at the time the lease or rental agreement is signed, and must be  
18 provided to current tenants as soon as possible, but not later than  
19 January 1, 2004;  
20 (12) Provide tenants with information provided or approved by the  
21 department of health about the health hazards associated with exposure  
22 to indoor mold. Information may be provided in written format  
23 individually to each tenant((~~τ~~)) or ((~~may be~~)) posted in a visible,  
24 public location at the dwelling unit property, and must be translated  
25 into the top five languages spoken in Washington state, as determined  
26 by the department of health. If the tenant's primary language is one  
27 other than English, and the department of health has translated the  
28 information into the tenant's primary language, the landlord must  
29 either post the information or provide a written copy of the  
30 information in the tenant's primary language. The information must  
31 detail how tenants can control mold growth in their dwelling units to  
32 minimize the health risks associated with indoor mold. Landlords may  
33 obtain the information from the department's web site or, if requested  
34 by the landlord, the department must mail the information to the  
35 landlord in a printed format. When developing or changing the  
36 information, the department of health must include representatives of  
37 landlords in the development process. The information must be provided  
38 by the landlord to new tenants at the time the lease or rental

1 agreement is signed, and must be provided to current tenants no later  
2 than January 1, (~~(2006, or must be posted in a visible, public location~~  
3 ~~at the dwelling unit property beginning July 24, 2005)) 2009;~~

4 (13) The landlord and his or her agents and employees are immune  
5 from civil liability for failure to comply with subsection (12) of this  
6 section except where the landlord and his or her agents and employees  
7 knowingly and intentionally do not comply with subsection (12) of this  
8 section; and

9 (14) Designate to the tenant the name and address of the person who  
10 is the landlord by a statement on the rental agreement or by a notice  
11 conspicuously posted on the premises. The tenant shall be notified  
12 immediately of any changes by certified mail or by an updated posting.  
13 If the person designated in this section does not reside in the state  
14 where the premises are located, there shall also be designated a person  
15 who resides in the county who is authorized to act as an agent for the  
16 purposes of service of notices and process, and if no designation is  
17 made of a person to act as agent, then the person to whom rental  
18 payments are to be made shall be considered such agent;

19 No duty shall devolve upon the landlord to repair a defective  
20 condition under this section, nor shall any defense or remedy be  
21 available to the tenant under this chapter, where the defective  
22 condition complained of was caused by the conduct of such tenant, his  
23 family, invitee, or other person acting under his control, or where a  
24 tenant unreasonably fails to allow the landlord access to the property  
25 for purposes of repair. When the duty imposed by subsection (1) of  
26 this section is incompatible with and greater than the duty imposed by  
27 any other provisions of this section, the landlord's duty shall be  
28 determined pursuant to subsection (1) of this section.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW  
30 to read as follows:

31 As part of the children's health immunizations linkages and  
32 development profile, the department shall provide to qualifying parents  
33 and children through regular mailings information on the health hazards  
34 of exposure to indoor mold as disclosed to residential tenants under  
35 RCW 59.18.060(12).

1        NEW SECTION.    **Sec. 3.**    (1) Recent evidence demonstrates that toxic  
2 indoor mold as well as household and workplace toxins cause  
3 contaminated air and are under-recognized health problems. Exposure to  
4 toxic indoor mold and household and workplace toxins is linked to a  
5 variety of health problems, especially in vulnerable populations such  
6 as infants, young children, and the elderly.

7        (2) The legislature finds that it is necessary to assess the  
8 current body of knowledge on toxic indoor mold and household and  
9 workplace toxins and determine the status of toxic indoor mold and  
10 household and workplace toxins in the state. It is also necessary to  
11 assess the feasibility of any actions to be taken by the legislature or  
12 state agencies, including methods to assist state residents to identify  
13 toxic indoor mold and household and workplace toxins and develop the  
14 best strategies to address infestations, and to investigate the health  
15 effects of and effective cleanup methods for infestations of toxic  
16 indoor mold and household and workplace toxins.

17        (3) The department of health shall convene and support the  
18 Washington state toxic mold and toxins task force to study and make  
19 recommendations to the legislature concerning:

20        (a) Standards to assess the health threat posed by the presence of  
21 toxic indoor mold and household and workplace toxins;

22        (b) Guidelines for the identification and sampling of toxic mold  
23 and household and workplace toxins, visible or hidden in an indoor  
24 environment;

25        (c) Remediation standards, methods, guidance, and costs for toxic  
26 indoor mold removal and abatement of water intrusion in residential and  
27 commercial properties, as well as facilities for vulnerable populations  
28 such as hospitals, nursing homes, child care facilities, and elementary  
29 and secondary schools;

30        (d) Primary prevention related to building construction and  
31 maintenance;

32        (e) The availability and adequacy of commercial and residential  
33 property coverage for toxic indoor mold and household and workplace  
34 toxin damage in the insurance industry;

35        (f) Public education and outreach regarding toxic indoor mold and  
36 household and workplace toxin health effects and remediation;

37        (g) The prevalence of insurance industry claims regarding toxic  
38 indoor mold-related and household and workplace toxin-related claims to

1 determine the incidence of such claims in Washington state, and the  
2 geographic distribution and other characteristics of such related  
3 claims;

4 (h) The development of a program to examine and test indoor  
5 residential air quality;

6 (i) The feasibility of adopting permissible exposure limits for  
7 toxic indoor molds and household and workplace toxins;

8 (j) Appropriate disclosure of the presence of toxic indoor mold  
9 growth and household and workplace toxins in real property at rental or  
10 sale; and

11 (k) The need to authorize the issuance of bonds to finance capital  
12 improvements for toxic indoor mold remediation and prevention.

13 (4) The task force shall include the following members:

14 (a) The secretary of the department of health or the secretary's  
15 designee;

16 (b) A representative of a nonprofit organization whose work  
17 involves public education regarding environmental health;

18 (c) A person whose primary field of expertise is environmental  
19 science;

20 (d) A person whose primary field of expertise is public health;

21 (e) A physician whose primary field of expertise is pediatrics;

22 (f) A person whose primary field of expertise is related to indoor  
23 environmental systems;

24 (g) The director of the department of ecology or the director's  
25 designee;

26 (h) The insurance commissioner or the insurance commissioner's  
27 designee;

28 (i) The director of the department of labor and industries or the  
29 director's designee;

30 (j) A person who represents a provider of homeowner's insurance;

31 (k) A person who represents residential building contractors;

32 (l) A person who represents commercial building contractors;

33 (m) Two persons who represent homeowners;

34 (n) A landlord association representative;

35 (o) A representative of a nonprofit organization who works with  
36 underrepresented minority communities; and

37 (p) A representative of building officials.

1           (5) The president of the senate shall appoint one member from each  
2 of the two largest caucuses of the senate.

3           (6) The speaker of the house of representatives shall appoint one  
4 member from each of the two largest caucuses of the house of  
5 representatives.

6           (7) The task force shall elect cochairs from among its members at  
7 its first meeting.

8           (8) Legislative members of the task force must be reimbursed for  
9 travel expenses under RCW 44.04.120.

10          (9) The task force shall report its findings and conclusions,  
11 including recommendations for legislative action if necessary, to the  
12 governor and the appropriate committees of the legislature by December  
13 1, 2009, with a preliminary report, if available, presented by June 30,  
14 2009.

15          (10) This section expires December 31, 2009.

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