

2 **SHB 1043** - S COMM AMD **S5168.1**  
3 By Committee on Law & Justice

4 ADOPTED AS AMENDED 3/4/98

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

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

25 Except as provided in section 3 of this act, the state of  
26 Washington hereby fully occupies and preempts the field of landlord-  
27 tenant regulation within the boundaries of the state. Local laws not  
28 in existence as of January 1, 1999, that are inconsistent with, more or  
29 less restrictive than, or exceed or fall below the requirements of  
30 state law shall not be enacted regardless of the nature of the code,  
31 charter, or home rule status of the city, town, county, or other  
32 municipality. Local laws in existence as of January 1, 1999, shall not  
33 be amended to create inconsistencies with this section.

34 Except as provided in section 3 of this act, affirmative defenses  
35 to an unlawful detainer action that change the duties of a landlord or

1 tenant that are inconsistent with, more or less restrictive than, or  
2 exceed or fall below the requirements of state law shall not be enacted  
3 regardless of the nature of the code, charter, or home rule status of  
4 the city, town, county, or other municipality.

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

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

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

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

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

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31 On page 1, line 2 of the title, after "duties;" strike the  
32 remainder of the title and insert "adding new sections to chapter 59.18  
33 RCW; and creating a new section."

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