

2 ESB 6001 - S AMD 478
3 By Senator Carlson

4 ADOPTED 01/30/02

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

7 "Sec. 1. RCW 59.18.150 and 1989 c 342 s 7 and 1989 c 12 s 18 are
8 each reenacted and amended to read as follows:

9 (1) The tenant shall not unreasonably withhold consent to the
10 landlord to enter into the dwelling unit in order to inspect the
11 premises, make necessary or agreed repairs, alterations, or
12 improvements, supply necessary or agreed services, or exhibit the
13 dwelling unit to prospective or actual purchasers, mortgagees, tenants,
14 workers, or contractors.

15 (2) Upon written notice of intent to seek a search warrant, when a
16 tenant or landlord denies a fire official the right to search a
17 dwelling unit, a fire official may immediately seek and a court of
18 competent jurisdiction, upon a showing of probable cause specific to
19 the dwelling unit sought to be searched that criminal fire code
20 violations exist in the dwelling unit, shall issue a warrant allowing
21 a search of the dwelling unit.

22 Upon written notice of intent to seek a search warrant, when a
23 landlord denies a fire official the right to search the common areas of
24 the rental building other than the dwelling unit, a fire official may
25 immediately seek and a court of competent jurisdiction, upon a showing
26 of probable cause specific to the common area sought to be searched
27 that a criminal fire code violation exists in those areas, shall issue
28 a warrant allowing a search of the common areas in which the violation
29 is alleged.

30 The superior court and courts of limited jurisdiction organized
31 under Titles 3, 35, and 35A RCW have jurisdiction to issue such search
32 warrants. Evidence obtained pursuant to any such search may be used in
33 a civil or administrative enforcement action.

34 (3) As used in this section:

1 (a) "Common areas" means a common area or those areas that contain
2 electrical, plumbing, and mechanical equipment and facilities used for
3 the operation of the rental building.

4 (b) "Fire official" means any fire official authorized to enforce
5 the state or local fire code.

6 (4) The landlord may enter the dwelling unit without consent of the
7 tenant in case of emergency or abandonment.

8 ~~((+3+))~~ (5) The landlord shall not abuse the right of access or use
9 it to harass the tenant. Except in the case of emergency or if it is
10 impracticable to do so, the landlord shall give the tenant at least two
11 days' notice of his or her intent to enter and shall enter only at
12 reasonable times. The tenant shall not unreasonably withhold consent
13 to the landlord to enter the dwelling unit at a specified time where
14 the landlord has given at least one day's notice of intent to enter to
15 exhibit the dwelling unit to prospective or actual purchasers or
16 tenants. A landlord shall not unreasonably interfere with a tenant's
17 enjoyment of the rented dwelling unit by excessively exhibiting the
18 dwelling unit.

19 ~~((+4+))~~ (6) The landlord has no other right of access except by
20 court order, arbitrator or by consent of the tenant.

21 ~~((+5+))~~ (7) A landlord or tenant who continues to violate the
22 rights of the tenant or landlord with respect to the duties imposed on
23 the other as set forth in this section after being served with one
24 written notification alleging in good faith violations of this section
25 listing the date and time of the violation shall be liable for up to
26 one hundred dollars for each violation after receipt of the notice.
27 The prevailing ~~((party))~~ landlord or tenant may recover costs of the
28 suit or arbitration under this section, and may also recover reasonable
29 attorneys' fees.

30 (8) Nothing in this section is intended to abrogate or modify in
31 any way any common law right or privilege."

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4 On page 1, line 2 of the title, after "violations;" strike the
5 remainder of the title and insert "and reenacting and amending RCW
6 59.18.150."

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