

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5049

59th Legislature
2005 Regular Session

Passed by the Senate April 19, 2005
YEAS 46 NAYS 1

President of the Senate

Passed by the House April 5, 2005
YEAS 60 NAYS 34

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5049** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5049

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators Kohl-Welles, Benton, Fairley, Esser, Thibaudeau,
Prentice, McAuliffe, Kline and Rockefeller

Read first time 01/12/2005. Referred to Committee on Financial
Institutions, Housing & Consumer Protection.

1 AN ACT Relating to disclosing information about mold in residential
2 dwelling units; amending RCW 59.18.060; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that residents of the
5 state face preventable exposures to mold in their homes, apartments,
6 and schools. Exposure to mold, and the toxins they produce, have been
7 found to have adverse health effects, including loss of memory and
8 impairment of the ability to think coherently and function in a job,
9 and may cause fatigue, nausea, and headaches.

10 As steps can be taken by landlords and tenants to minimize exposure
11 to indoor mold, and as the reduction of exposure to mold in buildings
12 could reduce the rising number of mold-related claims submitted to
13 insurance companies and increase the availability of coverage, the
14 legislature supports providing tenants and landlords with information
15 designed to minimize the public's exposure to mold.

16 **Sec. 2.** RCW 59.18.060 and 2002 c 259 s 1 are each amended to read
17 as follows:

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

3 (1) Maintain the premises to substantially comply with any
4 applicable code, statute, ordinance, or regulation governing their
5 maintenance or operation, which the legislative body enacting the
6 applicable code, statute, ordinance or regulation could enforce as to
7 the premises rented if such condition substantially endangers or
8 impairs the health or safety of the tenant;

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

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

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

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

23 (6) Provide reasonably adequate locks and furnish keys to the
24 tenant;

25 (7) Maintain all electrical, plumbing, heating, and other
26 facilities and appliances supplied by him in reasonably good working
27 order;

28 (8) Maintain the dwelling unit in reasonably weathertight
29 condition;

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

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

37 (11)(a) Provide a written notice to all tenants disclosing fire
38 safety and protection information. The landlord or his or her

1 authorized agent must provide a written notice to the tenant that the
2 dwelling unit is equipped with a smoke detection device as required in
3 RCW 48.48.140. The notice shall inform the tenant of the tenant's
4 responsibility to maintain the smoke detection device in proper
5 operating condition and of penalties for failure to comply with the
6 provisions of RCW 48.48.140(3). The notice must be signed by the
7 landlord or the landlord's authorized agent and tenant with copies
8 provided to both parties. Further, except with respect to a single-
9 family residence, the written notice must also disclose the following:

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

12 (ii) Whether the building has a fire sprinkler system;

13 (iii) Whether the building has a fire alarm system;

14 (iv) Whether the building has a smoking policy, and what that
15 policy is;

16 (v) Whether the building has an emergency notification plan for the
17 occupants and, if so, provide a copy to the occupants;

18 (vi) Whether the building has an emergency relocation plan for the
19 occupants and, if so, provide a copy to the occupants; and

20 (vii) Whether the building has an emergency evacuation plan for the
21 occupants and, if so, provide a copy to the occupants.

22 (b) The information required under this subsection may be provided
23 to a tenant in a multifamily residential building either as a written
24 notice or as a checklist that discloses whether the building has fire
25 safety and protection devices and systems. The checklist shall include
26 a diagram showing the emergency evacuation routes for the occupants.

27 (c) The written notice or checklist must be provided to new tenants
28 at the time the lease or rental agreement is signed, and must be
29 provided to current tenants as soon as possible, but not later than
30 January 1, 2004; (~~and~~)

31 (12) Provide tenants with information provided or approved by the
32 department of health about the health hazards associated with exposure
33 to indoor mold. Information may be provided in written format
34 individually to each tenant, or may be posted in a visible, public
35 location at the dwelling unit property. The information must detail
36 how tenants can control mold growth in their dwelling units to minimize
37 the health risks associated with indoor mold. Landlords may obtain the
38 information from the department's web site or, if requested by the

1 landlord, the department must mail the information to the landlord in
2 a printed format. When developing or changing the information, the
3 department of health must include representatives of landlords in the
4 development process. The information must be provided by the landlord
5 to new tenants at the time the lease or rental agreement is signed, and
6 must be provided to current tenants no later than January 1, 2006, or
7 must be posted in a visible, public location at the dwelling unit
8 property beginning the effective date of this act;

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

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

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

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