

CERTIFICATION OF ENROLLMENT
SECOND ENGROSSED SENATE BILL 6001

Chapter 263, Laws of 2002

57th Legislature
2002 Regular Session

LANDLORD-TENANT ACT--FIRE OFFICIALS--SEARCHES

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002
YEAS 44 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 6, 2002
YEAS 92 NAYS 0

FRANK CHOPP
**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SENATE BILL 6001** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

Approved March 29, 2002

FILED

March 29, 2002 - 3:58 p.m.

GARY LOCKE
Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6001

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senators Carlson and Winsley

Read first time 02/13/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to inspections of tenant dwelling units by fire
2 department officials for fire code violations; and reenacting and
3 amending RCW 59.18.150.

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

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

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

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

1 Upon written notice of intent to seek a search warrant, when a
2 landlord denies a fire official the right to search the common areas of
3 the rental building other than the dwelling unit, a fire official may
4 immediately seek a search warrant and, upon a showing of probable cause
5 specific to the common area sought to be searched that a criminal fire
6 code violation exists in those areas, a court of competent jurisdiction
7 shall issue a warrant allowing a search of the common areas in which
8 the violation is alleged.

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

13 (3) As used in this section:

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

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

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

21 ~~((+3))~~ (5) The landlord shall not abuse the right of access or use
22 it to harass the tenant. Except in the case of emergency or if it is
23 impracticable to do so, the landlord shall give the tenant at least two
24 days' notice of his or her intent to enter and shall enter only at
25 reasonable times. The tenant shall not unreasonably withhold consent
26 to the landlord to enter the dwelling unit at a specified time where
27 the landlord has given at least one day's notice of intent to enter to
28 exhibit the dwelling unit to prospective or actual purchasers or
29 tenants. A landlord shall not unreasonably interfere with a tenant's
30 enjoyment of the rented dwelling unit by excessively exhibiting the
31 dwelling unit.

32 ~~((+4))~~ (6) The landlord has no other right of access except by
33 court order, arbitrator or by consent of the tenant.

34 ~~((+5))~~ (7) A landlord or tenant who continues to violate the
35 rights of the tenant or landlord with respect to the duties imposed on
36 the other as set forth in this section after being served with one
37 written notification alleging in good faith violations of this section
38 listing the date and time of the violation shall be liable for up to
39 one hundred dollars for each violation after receipt of the notice.

1 The prevailing ((party)) landlord or tenant may recover costs of the
2 suit or arbitration under this section, and may also recover reasonable
3 attorneys' fees.

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

Passed the Senate March 11, 2002.

Passed the House March 6, 2002.

Approved by the Governor March 29, 2002.

Filed in Office of Secretary of State March 29, 2002.