

ESSB 5577 - H COMM AMD  
By Committee on Housing

ADOPTED AS AMENDED 04/07/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The people of the state of Washington  
4 deserve decent, safe, and sanitary housing. Certain tenants in the  
5 state of Washington have remained in rental housing that does not meet  
6 the state's minimum standards for health and safety because they cannot  
7 afford to pay the costs of relocation in advance of occupying new,  
8 safe, and habitable housing. In egregious cases, authorities have been  
9 forced to condemn property when landlords have failed to remedy  
10 building code or health code violations after repeated notice, and, as  
11 a result, families with limited financial resources have been displaced  
12 and left with nowhere to go.

13 The purpose of this act is to establish a process by which  
14 displaced tenants would receive funds for relocation from landlords who  
15 fail to provide safe and sanitary housing after due notice of building  
16 code or health code violations. It is also the purpose of this act to  
17 provide enforcement mechanisms to cities, towns, counties, or municipal  
18 corporations including the ability to advance relocation funds to  
19 tenants who are displaced as a result of a landlord's failure to remedy  
20 building code or health code violations and later to collect the full  
21 amounts of these relocation funds, along with interest and penalties,  
22 from landlords.

23 **Sec. 2.** RCW 59.18.085 and 1989 c 342 s 13 are each amended to read  
24 as follows:

25 (1) If a governmental agency responsible for the enforcement of a  
26 building, housing, or other appropriate code has notified the landlord  
27 that a dwelling is condemned or unlawful to occupy due to the existence  
28 of conditions that violate applicable codes, statutes, ordinances, or

1 regulations, a landlord shall not enter into a rental agreement for the  
2 dwelling unit until the conditions are corrected.

3 (2) If a landlord knowingly violates subsection (1) of this  
4 section, the tenant shall recover either three months' periodic rent or  
5 up to treble the actual damages sustained as a result of the violation,  
6 whichever is greater, costs of suit, or arbitration and reasonable  
7 attorneys' fees. If the tenant elects to terminate the tenancy as a  
8 result of the conditions leading to the posting, or if the appropriate  
9 governmental agency requires that the tenant vacate the premises, the  
10 tenant also shall recover:

- 11 (a) The entire amount of any deposit prepaid by the tenant; and
- 12 (b) All prepaid rent.

13 (3)(a) If a governmental agency responsible for the enforcement of  
14 a building, housing, or other appropriate code has notified the  
15 landlord that a dwelling will be condemned or will be unlawful to  
16 occupy due to the existence of conditions that violate applicable  
17 codes, statutes, ordinances, or regulations, a landlord, who knew or  
18 should have known of the existence of these conditions, shall be  
19 required to pay relocation assistance to the displaced tenants except  
20 that:

21 (i) A landlord shall not be required to pay relocation assistance  
22 to any displaced tenant in a case in which the condemnation or no  
23 occupancy order affects one or more dwelling units and directly results  
24 from conditions caused by a tenant's or any third party's illegal  
25 conduct without the landlord's prior knowledge;

26 (ii) A landlord shall not be required to pay relocation assistance  
27 to any displaced tenant in a case in which the condemnation or no  
28 occupancy order affects one or more dwelling units and results from  
29 conditions arising from a natural disaster such as, but not  
30 exclusively, an earthquake, tsunami, wind storm, or hurricane; and

31 (iii) A landlord shall not be required to pay relocation assistance  
32 to any displaced tenant in a case in which a condemnation affects one  
33 or more dwelling units and the tenant's displacement is a direct result  
34 of the acquisition of the property by eminent domain.

35 (b) Relocation assistance provided to displaced tenants under this  
36 subsection shall be the greater amount of two thousand dollars per  
37 dwelling unit or three times the monthly rent. In addition to

1 relocation assistance, the landlord shall be required to pay to the  
2 displaced tenants the entire amount of any deposit prepaid by the  
3 tenant and all prepaid rent.

4 (c) The landlord shall pay relocation assistance and any prepaid  
5 deposit and prepaid rent to displaced tenants within seven days of the  
6 governmental agency sending notice of the condemnation, eviction, or  
7 displacement order to the landlord. The landlord shall pay relocation  
8 assistance and any prepaid deposit and prepaid rent either by making  
9 individual payments by certified check to displaced tenants or by  
10 providing a certified check to the governmental agency ordering  
11 condemnation, eviction, or displacement, for distribution to the  
12 displaced tenants. If the landlord fails to complete payment of  
13 relocation assistance within the period required under this subsection,  
14 the city, town, county, or municipal corporation may advance the cost  
15 of the relocation assistance payments to the displaced tenants.

16 (d) During the period from the date that a governmental agency  
17 responsible for the enforcement of a building, housing, or other  
18 appropriate code first notifies the landlord of conditions that violate  
19 applicable codes, statutes, ordinances, or regulations to the time that  
20 relocation assistance payments are paid to eligible tenants, or the  
21 conditions leading to the notification are corrected, the landlord may  
22 not:

23 (i) Evict, harass, or intimidate tenants into vacating their units  
24 for the purpose of avoiding or diminishing application of this section;

25 (ii) Reduce services to any tenant; or

26 (iii) Materially increase or change the obligations of any tenant,  
27 including but not limited to any rent increase.

28 (e) Displaced tenants shall be entitled to recover any relocation  
29 assistance, prepaid deposits, and prepaid rent required by (b) of this  
30 subsection. In addition, displaced tenants shall be entitled to  
31 recover any actual damages sustained by them as a result of the  
32 condemnation, eviction, or displacement that exceed the amount of  
33 relocation assistance that is payable. In any action brought by  
34 displaced tenants to recover any payments or damages required or  
35 authorized by this subsection (3)(e) or (c) of this subsection that are  
36 not paid by the landlord or advanced by the city, town, county, or  
37 municipal corporation, the displaced tenants shall also be entitled to

1 recover their costs of suit or arbitration and reasonable attorneys'  
2 fees.

3 (f) If, after sixty days from the date that the city, town, county,  
4 or municipal corporation first advanced relocation assistance funds to  
5 the displaced tenants, a landlord has failed to repay the amount of  
6 relocation assistance advanced by the city, town, county, or municipal  
7 corporation under (c) of this subsection, then the city, town, county,  
8 or municipal corporation shall assess civil penalties in the amount of  
9 fifty dollars per day for each tenant to whom the city, town, county,  
10 or municipal corporation has advanced a relocation assistance payment.

11 (g) In addition to the penalties set forth in (f) of this  
12 subsection, interest will accrue on the amount of relocation assistance  
13 paid by the city, town, county, or municipal corporation for which the  
14 property owner has not reimbursed the city, town, county, or municipal  
15 corporation. The rate of interest shall be the maximum legal rate of  
16 interest permitted under RCW 19.52.020, commencing thirty days after  
17 the date that the city first advanced relocation assistance funds to  
18 the displaced tenants.

19 (h) If the city, town, county, or municipal corporation must  
20 initiate legal action in order to recover the amount of relocation  
21 assistance payments that it has advanced to low-income tenants,  
22 including any interest and penalties under (f) and (g) of this  
23 subsection, the city, town, county, or municipal corporation shall be  
24 entitled to attorneys' fees and costs arising from its legal action.

25 (4) The government agency that has notified the landlord that a  
26 dwelling will be condemned or will be unlawful to occupy shall notify  
27 the displaced tenants that they may be entitled to relocation  
28 assistance under this section.

29 (5) No payment received by a displaced tenant under this section  
30 may be considered as income for the purpose of determining the  
31 eligibility or extent of eligibility of any person for assistance under  
32 any state law or for the purposes of any tax imposed under Title 82  
33 RCW, and the payments shall not be deducted from any amount to which  
34 any recipient would otherwise be entitled under Title 74 RCW.

35 **Sec. 3.** RCW 35.80.030 and 1989 c 133 s 3 are each amended to read  
36 as follows:

37 (1) Whenever the local governing body of a municipality finds that

1 one or more conditions of the character described in RCW 35.80.010  
2 exist within its territorial limits, (~~said~~) that governing body may  
3 adopt ordinances relating to such dwellings, buildings, structures, or  
4 premises. Such ordinances may provide for the following:

5 (a) That an "improvement board" or officer be designated or  
6 appointed to exercise the powers assigned to such board or officer by  
7 the ordinance as specified (~~herein. Said~~) in this section. The  
8 board or officer may be an existing municipal board or officer in the  
9 municipality, or may be a separate board or officer appointed solely  
10 for the purpose of exercising the powers assigned by (~~said~~) the  
11 ordinance.

12 If a board is created, the ordinance shall specify the terms,  
13 method of appointment, and type of membership of (~~said~~) the board,  
14 which may be limited, if the local governing body chooses, to public  
15 officers (~~as herein defined~~) under this section.

16 (b) That if a board is created, a public officer, other than a  
17 member of the improvement board, may be designated to work with the  
18 board and carry out the duties and exercise the powers assigned to  
19 (~~said~~) the public officer by the ordinance.

20 (c) That if, after a preliminary investigation of any dwelling,  
21 building, structure, or premises, the board or officer finds that it is  
22 unfit for human habitation or other use, he or she shall cause to be  
23 served either personally or by certified mail, with return receipt  
24 requested, upon all persons having any interest therein, as shown upon  
25 the records of the auditor's office of the county in which such  
26 property is located, and shall post in a conspicuous place on such  
27 property, a complaint stating in what respects such dwelling, building,  
28 structure, or premises is unfit for human habitation or other use. If  
29 the whereabouts of any of such persons is unknown and the same cannot  
30 be ascertained by the board or officer in the exercise of reasonable  
31 diligence, and the board or officer makes an affidavit to that effect,  
32 then the serving of such complaint or order upon such persons may be  
33 made either by personal service or by mailing a copy of the complaint  
34 and order by certified mail, postage prepaid, return receipt requested,  
35 to each such person at the address of the building involved in the  
36 proceedings, and mailing a copy of the complaint and order by first  
37 class mail to any address of each such person in the records of the  
38 county assessor or the county auditor for the county where the property

1 is located. Such complaint shall contain a notice that a hearing will  
2 be held before the board or officer, at a place therein fixed, not less  
3 than ten days nor more than thirty days after the serving of (~~said~~)  
4 the complaint; and that all parties in interest shall be given the  
5 right to file an answer to the complaint, to appear in person, or  
6 otherwise, and to give testimony at the time and place in the  
7 complaint. The rules of evidence prevailing in courts of law or equity  
8 shall not be controlling in hearings before the board or officer. A  
9 copy of such complaint shall also be filed with the auditor of the  
10 county in which the dwelling, building, structure, or (~~premise~~  
11 ~~premises~~) premises is located, and such filing of the complaint or  
12 order shall have the same force and effect as other lis pendens notices  
13 provided by law.

14 (d) That the board or officer may determine that a dwelling,  
15 building, structure, or premises is unfit for human habitation or other  
16 use if it finds that conditions exist in such dwelling, building,  
17 structure, or premises which are dangerous or injurious to the health  
18 or safety of the occupants of such dwelling, building, structure, or  
19 premises, the occupants of neighboring dwellings, or other residents of  
20 such municipality. Such conditions may include the following, without  
21 limitations: Defects therein increasing the hazards of fire or  
22 accident; inadequate ventilation, light, or sanitary facilities,  
23 dilapidation, disrepair, structural defects, uncleanliness,  
24 overcrowding, or inadequate drainage. The ordinance shall state  
25 reasonable and minimum standards covering such conditions, including  
26 those contained in ordinances adopted in accordance with  
27 (~~subdivision~~) subsection (7)(a) (~~herein~~) of this section, to guide  
28 the board or the public officer and the agents and employees of either,  
29 in determining the fitness of a dwelling for human habitation, or  
30 building, structure, or premises for other use.

31 (e) That the determination of whether a dwelling, building,  
32 structure, or premises should be repaired or demolished, shall be based  
33 on specific stated standards on (i) the degree of structural  
34 deterioration of the dwelling, building, structure, or premises, or  
35 (ii) the relationship that the estimated cost of repair bears to the  
36 value of the dwelling, building, structure, or premises, with the  
37 method of determining this value to be specified in the ordinance.

1 (f) That if, after the required hearing, the board or officer  
2 determines that the dwelling is unfit for human habitation, or building  
3 or structure or premises is unfit for other use, it shall state in  
4 writing its findings of fact in support of such determination, and  
5 shall issue and cause to be served upon the owner or party in interest  
6 thereof, as is provided in (~~subdivision (1)~~) (c) of this subsection,  
7 and shall post in a conspicuous place on (~~said~~) the property, an  
8 order (~~which~~) that (i) requires the owner or party in interest,  
9 within the time specified in the order, to repair, alter, or improve  
10 such dwelling, building, structure, or premises to render it fit for  
11 human habitation, or for other use, or to vacate and close the  
12 dwelling, building, structure, or premises, if such course of action is  
13 deemed proper on the basis of the standards set forth as required in  
14 (~~subdivision (1)~~) (e) of this subsection; or (ii) requires the owner  
15 or party in interest, within the time specified in the order, to remove  
16 or demolish such dwelling, building, structure, or premises, if this  
17 course of action is deemed proper on the basis of (~~said~~) those  
18 standards. If no appeal is filed, a copy of such order shall be filed  
19 with the auditor of the county in which the dwelling, building,  
20 structure, or premises is located.

21 (g) That the owner or any party in interest, within thirty days  
22 from the date of service upon the owner and posting of an order issued  
23 by the board under (~~the provisions of subdivision~~) (c) of this  
24 subsection, may file an appeal with the appeals commission.

25 The local governing body of the municipality shall designate or  
26 establish a municipal agency to serve as the appeals commission. The  
27 local governing body shall also establish rules of procedure adequate  
28 to assure a prompt and thorough review of matters submitted to the  
29 appeals commission, and such rules of procedure shall include the  
30 following, without being limited thereto: (i) All matters submitted to  
31 the appeals commission must be resolved by the commission within sixty  
32 days from the date of filing therewith and (ii) a transcript of the  
33 findings of fact of the appeals commission shall be made available to  
34 the owner or other party in interest upon demand.

35 The findings and orders of the appeals commission shall be reported  
36 in the same manner and shall bear the same legal consequences as if  
37 issued by the board, and shall be subject to review only in the manner

1 and to the extent provided in (~~subdivision~~) subsection (2) of this  
2 section.

3 If the owner or party in interest, following exhaustion of his or  
4 her rights to appeal, fails to comply with the final order to repair,  
5 alter, improve, vacate, close, remove, or demolish the dwelling,  
6 building, structure, or premises, the board or officer may direct or  
7 cause such dwelling, building, structure, or premises to be repaired,  
8 altered, improved, vacated, and closed, removed, or demolished.

9 (h) That the amount of the cost of such repairs, alterations or  
10 improvements; or vacating and closing; or removal or demolition by the  
11 board or officer, shall be assessed against the real property upon  
12 which such cost was incurred unless such amount is previously paid.  
13 For purposes of this subsection, the cost of vacating and closing shall  
14 include (i) the amount of relocation assistance payments that a  
15 property owner has not repaid to a municipality or other local  
16 government entity that has advanced relocation assistance payments to  
17 tenants under RCW 59.18.085 and (ii) all penalties and interest that  
18 accrue as a result of the failure of the property owner to timely repay  
19 the amount of these relocation assistance payments under RCW 59.18.085.  
20 Upon certification to him or her by the treasurer of the municipality  
21 in cases arising out of the city or town or by the county improvement  
22 board or officer, in cases arising out of the county, of the assessment  
23 amount being due and owing, the county treasurer shall enter the amount  
24 of such assessment upon the tax rolls against the property for the  
25 current year and the same shall become a part of the general taxes for  
26 that year to be collected at the same time and with interest at such  
27 rates and in such manner as provided for in RCW 84.56.020(~~(, as now or~~  
28 ~~hereafter amended,)~~) for delinquent taxes, and when collected to be  
29 deposited to the credit of the general fund of the municipality. If  
30 the dwelling, building, structure, or premises is removed or demolished  
31 by the board or officer, the board or officer shall, if possible, sell  
32 the materials of such dwelling, building, structure, (~~{or}~~) or  
33 premises in accordance with procedures set forth in (~~said~~) the  
34 ordinance, and shall credit the proceeds of such sale against the cost  
35 of the removal or demolition and if there be any balance remaining, it  
36 shall be paid to the parties entitled thereto, as determined by the  
37 board or officer, after deducting the costs incident thereto.



1 The assessment shall constitute a lien against the property which  
2 shall be of equal rank with state, county and municipal taxes.

3 (2) Any person affected by an order issued by the appeals  
4 commission pursuant to (~~subdivision (1)(f) hereof~~) subsection (1)(g)  
5 of this section may, within thirty days after the posting and service  
6 of the order, petition to the superior court for an injunction  
7 restraining the public officer or members of the board from carrying  
8 out the provisions of the order. In all such proceedings the court is  
9 authorized to affirm, reverse, or modify the order and such trial shall  
10 be heard de novo.

11 (3) An ordinance adopted by the local governing body of the  
12 municipality may authorize the board or officer to exercise such powers  
13 as may be necessary or convenient to carry out and effectuate the  
14 purposes and provisions of this section. These powers shall include  
15 the following in addition to others (~~herein~~) granted in this section:

16 (a)(i) To determine which dwellings within the municipality are unfit  
17 for human habitation; (ii) to determine which buildings, structures, or  
18 premises are unfit for other use; (b) to administer oaths and  
19 affirmations, examine witnesses, and receive evidence; and (c) to  
20 investigate the dwelling and other property conditions in the  
21 municipality or county and to enter upon premises for the purpose of  
22 making examinations when the board or officer has reasonable ground for  
23 believing they are unfit for human habitation, or for other use:  
24 PROVIDED, That such entries shall be made in such manner as to cause  
25 the least possible inconvenience to the persons in possession, and to  
26 obtain an order for this purpose after submitting evidence in support  
27 of an application which is adequate to justify such an order from a  
28 court of competent jurisdiction in the event entry is denied or  
29 resisted.

30 (4) The local governing body of any municipality adopting an  
31 ordinance pursuant to this chapter may appropriate the necessary funds  
32 to administer such ordinance.

33 (5) (~~Nothing in~~) This section (~~shall be construed to~~) does not  
34 abrogate or impair the powers of the courts or of any department of any  
35 municipality to enforce any provisions of its charter or its ordinances  
36 or regulations, nor to prevent or punish violations thereof; and the  
37 powers conferred by this section shall be in addition and supplemental  
38 to the powers conferred by any other law.

1           (6) (~~Nothing in~~) This section (~~(shall be construed to)~~) does not  
2 impair or limit in any way the power of the municipality to define and  
3 declare nuisances and to cause their removal or abatement, by summary  
4 proceedings or otherwise.

5           (7) Any municipality may (~~(+)~~)by ordinance adopted by its governing  
6 body(~~(+)~~) (a) prescribe minimum standards for the use and occupancy of  
7 dwellings throughout the municipality(~~(-)~~) or county, (b) prescribe  
8 minimum standards for the use or occupancy of any building, structure,  
9 or premises used for any other purpose, (c) prevent the use or  
10 occupancy of any dwelling, building, structure, or premises, (~~which~~)  
11 that is injurious to the public health, safety, morals, or welfare, and  
12 (d) prescribe punishment for the violation of any provision of such  
13 ordinance.

14           NEW SECTION. Sec. 4. The powers and authority conferred by this  
15 act are in addition and supplemental to powers or authority conferred  
16 by any other law or authority, and nothing contained herein shall be  
17 construed to preempt any local ordinance requiring relocation  
18 assistance to tenants displaced by a landlord's failure to remedy  
19 building code or health code violations."

20           Correct the title.

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