

SENATE BILL REPORT

SB 6572

As of January 30, 2020

Title: An act relating to uniform due process of land use code violations.

Brief Description: Concerning uniform due process of land use code violations.

Sponsors: Senators Fortunato, Ericksen and Honeyford.

Brief History:

Committee Activity: Local Government: 1/30/20.

Brief Summary of Bill

- Prohibits the investigation or enforcement of code violations based on anonymous complaints.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Greg Vogel (786-7413)

Background: Counties and cities may determine or establish administrative rules and procedures for the application and enforcement of official controls, and may assign or delegate such administrative functions, powers and duties. Counties and cities may define and declare nuisances and cause their removal or abatement, by summary proceedings, or otherwise. Counties and cities may by ordinance prescribe minimum standards for the use and occupancy of dwellings; prescribe minimum standards for the use or occupancy of any building, structure, or premises used for any other purpose; prevent the use or occupancy of any dwelling, building, structure, or premises, that is injurious to the public health, safety, morals, or welfare; and prescribe punishment for violating any provision of such ordinance. Under state law, there is an administrative enforcement provided for addressing unfit dwellings, buildings, and structures.

Most local code enforcement programs are complaint-driven. Complaints may result in an inspection and a warning letter to the violator, followed by a notice of citation if action to correct the violation has not been taken by the property owner. This process may be followed by official abatement proceedings if the property owner still has not corrected the violation

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

within a specified time. As an alternative to abatement, some jurisdictions utilize mediation and voluntary agreements.

Summary of Bill: Before any violation of an ordinance is issued, the name of any complainant must be made available to the person receiving a notice of violation. A notice of violation may be based on information provided by a complainant if a determination to investigate is made after receiving a phone call, email, letter, report, complaint, or other information from a party who claims a violation is or may be occurring or will soon occur. Activities may not be investigated based on information provided by an anonymous complaint.

This act does not create any civil liability on the part of the state or any state agency, officer, employee, or agent.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There are code enforcers driving around, reporting violations anonymously, and then investigating, creating work for themselves. This is not going to inhibit investigations, but it is nice to know who is filing the complaint. The hope is that this bill will get neighbors to speak to each other rather than calling the county and filing a complaint. Hopefully, this is a good neighbor policy.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor; Cindy Alia, Citizens Alliance for Property Rights; Dominique Torgerson, citizen.

Persons Signed In To Testify But Not Testifying: No one.