

SENATE BILL REPORT

ESSB 5091

As Passed Senate, March 19, 1997

Title: An act relating to the jurisdiction of district and superior courts over real property.

Brief Description: Providing for uniformity in the application of real property laws to ensure fairness and due process.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Roach, Swecker and Winsley).

Brief History:

Committee Activity: Law & Justice: 1/20/97, 2/25/97 [DPS, DNPS].
Passed Senate, 3/19/97, 37-12.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5091 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Long, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass substitute.

Signed by Senators Fairley and Kline.

Staff: Aldo Melchiori (786-7439)

Background: Currently, local jurisdictions may establish some rights and responsibilities for landlords and tenants that are more restrictive than state law. As a result, disputes between landlords and tenants can have different legal outcomes in different jurisdictions.

Summary of Bill: All regulation of landlord-tenant relations in Washington is preempted by the state, except for local ordinances enacted prior to January 1, 1998, and any health and safety regulations that are not otherwise covered by state landlord-tenant laws.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Uniformity of landlord-tenant laws will make it easier for both landlords and tenants to understand their rights and responsibilities wherever they own rental property or rent housing anywhere in the state. Uniformity will provide a level playing field. Some landlords are just small business owners who are forced to absorb the cost of a manager to deal with local complications in regulation.

Testimony Against: Housing conditions are different in various parts of the state and local control of landlord-tenant relations is necessary. Preemption will eliminate local oversight of what is basically a local issue. The state should not be put in the position of helping landlords win on a state level what they could not achieve locally.

Testified: Representative Schoesler, sponsor of similar bill in House (pro); Lisa Herbold, Tenants Union (con); Majken Ryherd Keira, WA Low-Income Housing Congress (con); Jeff Powell, Institute of Real Estate Management (pro); Ben Wood, Seattle-King County Apartment Owners Association (pro); Patty Van Den Braek, WA Apartment Association (pro); Mark Gjurasic, WA Apartment Association (pro); Michael Doubleday, City of Seattle (con); Kathy Gerke, Association of Washington Cities (con); Judith Frolich, Washington Association of Counties (con).