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**SUBSTITUTE HOUSE BILL 1277**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Local Government & Housing (originally sponsored by Representatives Bush, Veloria, Van Luven, Kenney, Kirby, Mulliken and Dunshee)

Read first time 01/30/2002. Referred to Committee on .

1 AN ACT Relating to residential landlord-tenant relationships; and  
2 amending RCW 59.18.060 and 4.28.080.

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

4 **Sec. 1.** RCW 59.18.060 and 1991 c 154 s 2 are each amended to read  
5 as follows:

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

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

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

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

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

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

9 (6) Provide reasonably adequate locks and furnish keys to the  
10 tenant;

11 (7) Maintain all electrical, plumbing, heating, and other  
12 facilities and appliances supplied by him in reasonably good working  
13 order;

14 (8) Maintain the dwelling unit in reasonably weathertight  
15 condition;

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

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

23 (11) Provide a written notice to the tenant that the dwelling unit  
24 is equipped with a smoke detection device as required in RCW 48.48.140.  
25 The notice shall inform the tenant of the tenant's responsibility to  
26 maintain the smoke detection device in proper operating condition and  
27 of penalties for failure to comply with the provisions of RCW  
28 48.48.140(3). The notice must be signed by the landlord or the  
29 landlord's authorized agent and tenant with copies provided to both  
30 parties((-));

31 (12)(a) Except as provided in (b) of this subsection, designate to  
32 the tenant the name and address of the person who is the landlord by a  
33 statement on the rental agreement or by a notice conspicuously posted  
34 on the premises. The tenant shall be notified immediately of any  
35 changes by certified mail or by an updated posting. If the person  
36 designated in this section does not reside in the state where the  
37 premises are located, there shall also be designated a person who  
38 resides in the county who is authorized to act as an agent for the  
39 purposes of service of notices and process, and if no designation is

1 made of a person to act as agent, then the person to whom rental  
2 payments are to be made shall be considered such agent.

3 (b) In instances where a tenant is unable to ascertain the physical  
4 location of the landlord by statement or posting, and service of a  
5 legal document is deemed necessary, the superior or district court  
6 having jurisdiction under RCW 59.18.050 shall approve the service of  
7 the legal document by certified mail to the address posted on the  
8 property owner's tax statement, or address provided to the tenant for  
9 payment of rent.

10 No duty shall devolve upon the landlord to repair a defective  
11 condition under this section, nor shall any defense or remedy be  
12 available to the tenant under this chapter, where the defective  
13 condition complained of was caused by the conduct of such tenant, his  
14 family, invitee, or other person acting under his control, or where a  
15 tenant unreasonably fails to allow the landlord access to the property  
16 for purposes of repair. When the duty imposed by subsection (1) of  
17 this section is incompatible with and greater than the duty imposed by  
18 any other provisions of this section, the landlord's duty shall be  
19 determined pursuant to subsection (1) of this section.

20 **Sec. 2.** RCW 4.28.080 and 1997 c 380 s 1 are each amended to read  
21 as follows:

22 Service made in the modes provided in this section shall be taken  
23 and held to be personal service. The summons shall be served by  
24 delivering a copy thereof, as follows:

25 (1) If the action be against any county in this state, to the  
26 county auditor or, during normal office hours, to the deputy auditor,  
27 or in the case of a charter county, summons may be served upon the  
28 agent, if any, designated by the legislative authority.

29 (2) If against any town or incorporated city in the state, to the  
30 mayor, city manager, or, during normal office hours, to the mayor's or  
31 city manager's designated agent or the city clerk thereof.

32 (3) If against a school or fire district, to the superintendent or  
33 commissioner thereof or by leaving the same in his or her office with  
34 an assistant superintendent, deputy commissioner, or business manager  
35 during normal business hours.

36 (4) If against a railroad corporation, to any station, freight,  
37 ticket or other agent thereof within this state.

1 (5) If against a corporation owning or operating sleeping cars, or  
2 hotel cars, to any person having charge of any of its cars or any agent  
3 found within the state.

4 (6) If against a domestic insurance company, to any agent  
5 authorized by such company to solicit insurance within this state.

6 (7) If against a foreign or alien insurance company, as provided in  
7 chapter 48.05 RCW.

8 (8) If against a company or corporation doing any express business,  
9 to any agent authorized by said company or corporation to receive and  
10 deliver express matters and collect pay therefor within this state.

11 (9) If the suit be against a company or corporation other than  
12 those designated in the preceding subdivisions of this section, to the  
13 president or other head of the company or corporation, the registered  
14 agent, secretary, cashier or managing agent thereof or to the  
15 secretary, stenographer or office assistant of the president or other  
16 head of the company or corporation, registered agent, secretary,  
17 cashier or managing agent.

18 (10) If the suit be against a foreign corporation or nonresident  
19 joint stock company, partnership or association doing business within  
20 this state, to any agent, cashier or secretary thereof.

21 (11) If against a minor under the age of fourteen years, to such  
22 minor personally, and also to his or her father, mother, guardian, or  
23 if there be none within this state, then to any person having the care  
24 or control of such minor, or with whom he or she resides, or in whose  
25 service he or she is employed, if such there be.

26 (12) If against any person for whom a guardian has been appointed  
27 for any cause, then to such guardian.

28 (13) If against a foreign or alien steamship company or steamship  
29 charterer, to any agent authorized by such company or charterer to  
30 solicit cargo or passengers for transportation to or from ports in the  
31 state of Washington.

32 (14) If against a self-insurance program regulated by chapter 48.62  
33 RCW, as provided in chapter 48.62 RCW.

34 (15) In all other cases, to the defendant personally, or by leaving  
35 a copy of the summons at the house of his or her usual abode with some  
36 person of suitable age and discretion then resident therein.

37 (16) In lieu of service under subsection (15) of this section,  
38 where the person cannot with reasonable diligence be served as  
39 described, the summons may be served as provided in this subsection,

1 and shall be deemed complete on the tenth day after the required  
2 mailing: By leaving a copy at his or her usual mailing address with a  
3 person of suitable age and discretion who is a resident, proprietor, or  
4 agent thereof, and by thereafter mailing a copy by first class mail,  
5 postage prepaid, to the person to be served at his or her usual mailing  
6 address. For the purposes of this subsection, "usual mailing address"  
7 shall not include a United States postal service post office box,  
8 except as provided in RCW 59.18.060, or the person's place of  
9 employment.

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