
ENGROSSED SENATE BILL 6001

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, or to allow for the inspection of a dwelling
13 unit by a fire official for violations of the fire code when the fire
14 official has reason to believe that there exist conditions which
15 constitute a distinct hazard to life or property as provided in
16 subsection (2) of this section.

17 (2) A landlord may not deny a fire official the right to inspect a
18 dwelling unit under subsection (1) of this section for violations of
19 the fire code when the fire official has reason to believe that there

1 exist conditions which constitute a distinct hazard to life or
2 property. A landlord may not deny a fire official the right to inspect
3 all portions of a rental building other than the dwelling unit,
4 including but not limited to common areas and those areas that contain
5 electrical, plumbing, and mechanical equipment and facilities used for
6 the operation of the rental building, for compliance with state and
7 local fire codes. Nothing in this subsection is intended to require a
8 landlord to obtain a court order for entry over a tenant's objection.

9 (3) Upon written notice of intent to seek an order, when a tenant
10 or landlord denies a fire official the right to inspect a dwelling
11 unit, a fire official may immediately seek and a court of competent
12 jurisdiction, upon a showing of probable cause that fire code
13 violations exist in the dwelling unit which constitute a present and
14 distinct hazard to life or property, shall issue an order allowing
15 inspection of the dwelling unit.

16 Upon written notice of intent to seek an order, when a landlord
17 denies a fire official the right to inspect the common areas of the
18 rental building other than the dwelling unit, as described in
19 subsection (2) of this section, a fire official may immediately seek
20 and a court of competent jurisdiction, upon a showing of probable cause
21 that a fire code violation which constitutes a present and distinct
22 hazard to life or property exists in those areas, shall issue an order
23 allowing inspection of those common areas of the rental building other
24 than the dwelling unit, as described in subsection (2) of this section.

25 The superior court and courts of limited jurisdiction organized
26 under Titles 3, 35, and 35A RCW have jurisdiction to issue such orders.

27 (4) "Fire official" means any fire official authorized to enforce
28 the state or local fire code.

29 (5) The landlord may enter the dwelling unit without consent of the
30 tenant in case of emergency or abandonment.

31 ~~((+3))~~ (6) The landlord shall not abuse the right of access or use
32 it to harass the tenant. Except in the case of emergency or if it is
33 impracticable to do so, the landlord shall give the tenant at least two
34 days' notice of his or her intent to enter and shall enter only at
35 reasonable times. The tenant shall not unreasonably withhold consent
36 to the landlord to enter the dwelling unit at a specified time where
37 the landlord has given at least one day's notice of intent to enter to
38 exhibit the dwelling unit to prospective or actual purchasers or
39 tenants. A landlord shall not unreasonably interfere with a tenant's

1 enjoyment of the rented dwelling unit by excessively exhibiting the
2 dwelling unit.

3 ~~((4))~~ (7) The landlord has no other right of access except by
4 court order, arbitrator or by consent of the tenant.

5 ~~((5))~~ (8) A landlord or tenant who continues to violate this
6 section after being served with one written notification alleging in
7 good faith violations of this section listing the date and time of the
8 violation shall be liable for up to one hundred dollars for each
9 violation after receipt of the notice. The prevailing party may
10 recover costs of the suit or arbitration under this section, and may
11 also recover reasonable attorneys' fees.

12 (9) Nothing in this section is intended to abrogate or modify in
13 any way any common law right or privilege.

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