

SENATE BILL REPORT

SB 5495

As of February 20, 2009

Title: An act relating to limitations on rental housing inspections.

Brief Description: Providing limitations on rental housing inspections.

Sponsors: Senators Hobbs, Schoesler, McCaslin and Marr.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/11/09.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Staff: Diane Smith (786-7410)

Background: The Residential Landlord-Tenant Act establishes the rights and duties of landlords and tenants. Its provisions appear in the standard form of lease or rental agreement used in this state. Its provisions may not be waived except in a very limited circumstance, one element of which is that there is no substantial inequality in the bargaining position of the two parties.

The landlord's right to enter the dwelling unit occupied by a tenant is conditioned upon the tenant's consent which must not unreasonably be withheld. With at least two days' notice, the landlord may enter to inspect, make repairs, alterations, improvements, or supply services. With at least one day's notice the landlord may enter to exhibit the dwelling unit to prospective or actual purchasers or tenants.

Provisions address the circumstance of either the tenant's or landlord's denial of a fire official the right to search a dwelling unit. Upon a showing of probable cause that a criminal fire code violation exists in the dwelling unit, a court of competent jurisdiction must issue a search warrant to the fire official.

No provisions in the Residential Landlord-Tenant Act address inspections or searches of dwelling units and common areas by local building officials.

Summary of Bill: A local government may not require or permit a landlord to engage or hire a third party to conduct inspections or searches of dwelling units and common areas

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under the section of the Residential Landlord-Tenant Act defining the landlord's right of access.

The local government may not assess the landlord or owner for the cost of an inspection by a local building official under the landlord's right of access section of the Residential Landlord-Tenant Act.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill just prevents a city from mandating inspections as a condition to getting a business license. This bill violates the tenant's right to privacy by a warrantless search. Landlords will raise rents due to forced inspections. Pasco did not have a complaint-based system before they implemented their system. Tenants never tell landlords when there is a problem. A lot of people would have to take time off work to be there for an inspection. This bill hurts tenants.

CON: This bill violates tenants' rights to privacy. Local governments do need a range of tools to combat substandard housing. This bill pre-empts local governments' ability to respond effectively to this problem. The intent of this bill is to eviscerate an ordinance that was upheld by the Washington Supreme Court in 2007. Underlying law prevents a landlord from entering a rented unit without the tenant's consent, except in cases of emergency or court order. There is no other way to force buildings to cleanup. Work with us so we at least have a tool. These properties have a ripple effect like foreclosures, illness, or disease. They cause property values to go down and crime to go up. There is no legal authority for a judge to issue a warrant to enforce civil violations. Landlords retaliate against tenants who ask for inspections, causing homelessness and deportations. This bill effects 15,000 to 18,000 units and 25,000 renters and their families. Rotating inspection programs compliment public health. It brings up the quality of housing stocks. The city of Pasco requires every residential rental unit to be inspected every two years, on 11 items which are the minimum recommended by the Building Code Council. The city of Seattle has 130,000 units with 13 percent in poor conditions. In 2008 there were 5,000 complaints.

Persons Testifying: PRO: Julie Johnson, Rental Housing Association; Joe Puckett, Washington Multi-Family Housing Association; Chuck Bank, Washington Landlord Association; Darlene Pennock, Washington Apartment Association.

CON: Greg Provenzano, Columbia Legal Service; Dennis Robertson, Council Member, Kathy Stetson, Code Enforcement Officer, City of Tukwila; Michelle Thomas, Tenants Union of Washington; Gary Crutchfield, City Manager, City of Pasco; Tim Gugerty, City of Seattle.