

HOUSE BILL REPORT

HB 2554

As Reported by House Committee On:
Judiciary

Title: An act relating to the obligations of landlords and tenants with respect to carbon monoxide alarms and the disclosure of certain health-related information.

Brief Description: Concerning the obligations of landlords and tenants with respect to carbon monoxide alarms and the disclosure of certain health-related information.

Sponsors: Representatives Rodne, Pedersen and Jinkins.

Brief History:

Committee Activity:

Judiciary: 1/26/12, 1/30/12 [DPS].

Brief Summary of Substitute Bill

- Requires landlords to provide notice to tenants stating whether the dwelling unit is equipped with a carbon monoxide alarm, explaining the tenant's responsibility for keeping an installed alarm in proper operating condition, and providing a copy of the carbon monoxide alarm's operating instructions.
- Requires landlords to provide tenants information about health and safety hazards associated with carbon monoxide exposure.
- Amends existing law regarding how landowners provide notice to tenants regarding mold.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Eddy, Hansen, Kirby, Orwall and Roberts.

Minority Report: Do not pass. Signed by 5 members: Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Klippert, Nealey and Rivers.

Staff: Oliver Stiefel (786-5793) and Trudes Tango (786-7384).

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.

Background:

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between landlords and tenants in residential dwelling units by establishing the rights and duties of landlords and tenants, procedures for the parties to enforce their rights, and remedies for RLTA violations. Two sections of the RLTA deal specifically with landlord and tenant duties.

Landlord Duties.

The RLTA contains a series of particular requirements with which a landlord must comply to meet his or her statutory obligation to keep the premises fit for human habitation, including, but not limited to:

- the duty to maintain the premises in reasonably good repair and remedy defective conditions within specified timelines;
- the duty to provide notice to tenants disclosing fire safety and protection information; and
- the duty to provide tenants with information about the health hazards associated with exposure to indoor mold.

Tenant Duties.

In addition to the duty to comply with all obligations imposed by municipal, county, and state regulations, tenants are required to comply with specific duties provided for in the RLTA, including, but not limited to:

- the duty to pay rent;
- the duty to not damage the dwelling unit or permit a nuisance; and
- the duty to properly use and operate all fixtures and appliances supplied by the landlord.

Additional Background: Carbon Monoxide Alarms.

In an effort to combat the risks of carbon monoxide poisoning, in 2009 the Legislature directed the Washington State Building Code Council (SBCC) to adopt certain rules related to carbon monoxide alarms. The legislature stipulated that the rules must require that the maintenance of a carbon monoxide alarm in a building where a tenancy exists, including the replacement of batteries, is the responsibility of the tenant.

The SBCC adopted rules pursuant to the Legislation, setting forth a phased approach for the installation of carbon monoxide alarms for new construction and for existing dwellings. Permanent rules will take effect April 1, 2012. As adopted, the permanent rules do not contain a provision regarding a tenant's duty to maintain a carbon monoxide alarm.

Summary of Substitute Bill:

Landlord Duties.

A landlord must provide written notice to all tenants stating whether the dwelling unit is equipped with a carbon monoxide alarm. If so, the notice must explain that the tenant is responsible for maintaining the carbon monoxide alarm in proper operating condition, including the replacement of batteries where required. Additionally, the landlord must provide the tenant with a copy of the carbon monoxide alarm's manufacturer's instructions.

The landlord must also provide tenants with information about the health and safety hazards associated with carbon monoxide exposure. Such information must be approved or provided by the Department of Health (DOH). Landlords may obtain the information from the DOH's website, or may request the information from the DOH, in which case the DOH must mail the information to the landlord. The information may be provided to the tenant in written format at the time the lease or rental agreement is signed, or may be posted in a visible public location at the dwelling unit.

The manner in which information associated with exposure to indoor mold is distributed to tenants is amended. Landlords are no longer required to provide the information to new tenants at the time the lease or rental agreement is signed. Instead, the information may be provided in written format at the time the lease or rental agreement is signed, or may be posted in a visible, public location at the dwelling unit property.

Substitute Bill Compared to Original Bill:

The substitute bill adds a provision requiring a landlord whose rental dwelling unit is equipped with a carbon monoxide alarm to provide the tenant with a copy of the carbon monoxide alarm's manufacturer's instructions, and removes the provision establishing a tenant's duty to maintain a carbon monoxide alarm.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is important for safety and is the product of agreement between landlords and tenants.

In 2009 the Legislature directed the Washington State Building Code Council to promulgate rules requiring that buildings be fit with carbon monoxide alarms and that tenants are to be responsible for maintaining alarms. It was determined that the building code was not the best place to define the duties of landlords and tenants.

The bill sets forth tenant requirements for maintenance that mirrors existing language in the RLTA regarding smoke detectors. Similarly, for notice requirements about health hazards

associated with carbon monoxide, this bill uses the same language used to describe notice requirements regarding health hazards associated with exposure to indoor mold.

(With concerns) As currently written, there is a discrepancy between landlord and tenant duties. Any tenant violation of a duty under the RLTA can lead to eviction so careful attention must be paid when adding new tenant duties. A better approach would be to let the tenant know what they are responsible for, but not make maintenance of a carbon monoxide alarm an enumerated duty. Carbon monoxide alarms should be treated differently than smoke detectors—the latter have been around for a long time and are common, while the former are a different type of machine and are more complicated.

(Opposed) While public safety is important, this bill would set a bad precedent by imposing yet another legal requirement on landlords. There needs to be less laws governing landlord conduct, not more.

Persons Testifying: (In support) Representative Rodne, prime sponsor; Joe Puckett, Washington Manufactured Home Association; and Kyle Woodring, Rental Housing Association.

(With concerns) Bruce Neas, Columbia Legal.

(Opposed) Robert Brett, Washington Landlord Association.

Persons Signed In To Testify But Not Testifying: None.