
Judiciary Committee

SB 6324

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: Senators Fain and Hobbs.

Brief Summary of Bill

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

Hearing Date: 2/15/12

Staff: Oliver Stiefel (786-5793).

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.

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.

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. One duty is the responsibility to provide the tenant with written notice disclosing fire safety and protection information. This notice must state: (1) that the dwelling unit is equipped with a smoke detection device; (2) that the tenant has a responsibility to maintain the smoke detection device in proper operating condition; and (3) that noncompliance can be punished by a penalty of not more than \$200.

In addition, a landlord must provide tenants with information about the health hazards associated with exposure to indoor mold. A landlord may obtain the information from the Department of Health's website, or may request the information from the department, in which case the department must mail the information to the landlord. This information may be provided in a written format to each tenant or may be posted in a public location.

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 properly use and operate all fixtures and appliances supplied by the landlord; and
- The duty to maintain a smoke detection device in accordance with the manufacturer's recommendations, including the replacement of batteries where required for the proper operation of the smoke detection device.

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 1st, 2012. As adopted, the permanent rules do not contain a provision regarding a tenant's duty to maintain a carbon monoxide alarm.

Summary of 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.

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. A landlord may obtain the information from the department's website, or may request the information from the department, in which case the department 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.

Tenant Duties.

A tenant must maintain an installed carbon monoxide alarm in accordance with the manufacturer's recommendations, including the replacement of batteries when required for the proper operation of the alarm.

Appropriation: None.

Fiscal Note: Available.

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