

SENATE BILL REPORT

SB 6324

As of January 30, 2012

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 History:

Committee Activity: Financial Institutions, Housing & Insurance: 1/25/12.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Staff: Alison Mendiola (786-7483)

Background: Smoke Detectors. Under the state fire protection statutes, all dwelling units occupied by persons other than the owner, or built after 1980, must be equipped with smoke detection devices. Installation of the device is the owner's responsibility, and the owner is required to ensure that a device is operational after a vacancy. The tenant is responsible for maintaining the smoke detection device, including the replacement of batteries. Noncompliance by a landlord or a tenant is punishable by a fine of up to \$200.

Residential Landlord-Tenant Act. Under the state Residential Landlord-Tenant Act (RLTA), the landlord is required to maintain the premises in a manner fit for human habitation. Included in this is the duty to provide written notice: (1) that the unit has a smoke detection device; (2) that the tenant is responsible for maintaining the device in proper operating condition; and (3) that there are penalties for noncompliance.

Mold. Under the RLTA, landlords are to provide tenants with information provided by the Department of Health (DOH) regarding the health hazards associated with indoor mold. This information may be posted in a public location.

Carbon Monoxide. Carbon monoxide poisoning occurs from the inhalation of carbon monoxide. Carbon monoxide is a toxic gas, but, being colorless, odorless, tasteless, and initially non-irritating, it is very difficult for people to detect.

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.

A carbon monoxide alarm is a device that detects the presence of carbon monoxide in order to prevent carbon monoxide poisoning. The RLTA is silent as to the requirement of carbon monoxide alarms.

Summary of Bill: The RLTA is amended to require that landlords provide notice to tenants as to whether the dwelling unit is equipped with a carbon monoxide alarm. If the unit is equipped with such an alarm, the notice must inform the tenant of the tenant's responsibility to maintain the alarm, including the replacement of batteries.

Also, when a lease or rental agreement is signed, landlords are to provide tenants with information from the DOH about the hazards associated with exposure to indoor mold and carbon monoxide. This information may be posted.

Landlords are immune from civil liability for failure to comply with these requirements, unless the failure to comply was done knowingly and intentionally.

Appropriation: None.

Fiscal Note: Available.

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: As a result of past legislation, the state Building Code Council has adopted regulations regarding the requirements of homes being equipped with carbon monoxide alarms. The intent of this bill is to put this requirement also under the Residential Landlord Tenant Act—under the state building codes isn't the right place—and clarify a landlord's duty to inform tenants about the hazards and the tenant's responsibility which is to maintain the alarm, including changing the batteries.

OTHER: It should be clarified that a tenant's only duty is to change the batteries not maintain the alarm because if maintaining is their duty, a tenant can be evicted for failing to maintain the alarm. Tenant groups should have been involved in crafting the state Building Code Council rules.

Persons Testifying: PRO: Kathryn Hedrick, WA Multifamily Assn.; Terri Hotvedt, Kyle Woodring, Rental Housing Assn. of Puget Sound; Robert Brett, WA Landlord Association.

OTHER: Bruce Neas, Columbia Legal Services.