

2 **SB 6001** - S AMD 065
3 By Senator Carlson

4 ADOPTED 03/12/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 59.18.150 and 1989 c 342 s 7 and 1989 c 12 s 18 are
8 each reenacted and amended to read as follows:

9 (1) The tenant shall not unreasonably withhold consent to the
10 landlord to enter into the dwelling unit in order to inspect the
11 premises, make necessary or agreed repairs, alterations, or
12 improvements, supply necessary or agreed services, or exhibit the
13 dwelling unit to prospective or actual purchasers, mortgagees, tenants,
14 workers, or contractors, or to allow for the inspection of a dwelling
15 unit by a fire official for violations of the fire code when the fire
16 official has reason to believe that there exist conditions which
17 constitute a distinct hazard to life or property as provided in
18 subsection (2) of this section.

19 (2) A landlord may not deny a fire official the right to inspect a
20 dwelling unit under subsection (1) of this section for violations of
21 the fire code when the fire official has reason to believe that there
22 exist conditions which constitute a distinct hazard to life or
23 property. A landlord may not deny a fire official the right to inspect
24 all portions of a rental building other than the dwelling unit,
25 including but not limited to common areas and those areas that contain
26 electrical, plumbing, and mechanical equipment and facilities used for
27 the operation of the rental building, for compliance with state and
28 local fire codes. Nothing in this subsection is intended to require a
29 landlord to obtain a court order for entry over a tenant's objection.

30 (3) Upon written notice of intent to seek an order, when a tenant
31 or landlord denies a fire official the right to inspect a dwelling
32 unit, a fire official may immediately seek and a court of competent
33 jurisdiction, upon a showing of probable cause that fire code
34 violations exist in the dwelling unit which constitute a present and
35 distinct hazard to life or property, shall issue an order allowing
36 inspection of the dwelling unit.

1 Upon written notice of intent to seek an order, when a landlord
2 denies a fire official the right to inspect the common areas of the
3 rental building other than the dwelling unit, as described in
4 subsection (2) of this section, a fire official may immediately seek
5 and a court of competent jurisdiction, upon a showing of probable cause
6 that a fire code violation which constitutes a present and distinct
7 hazard to life or property exists in those areas, shall issue an order
8 allowing inspection of those common areas of the rental building other
9 than the dwelling unit, as described in subsection (2) of this section.

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

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

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

16 ~~((+3))~~ (6) The landlord shall not abuse the right of access or use
17 it to harass the tenant. Except in the case of emergency or if it is
18 impracticable to do so, the landlord shall give the tenant at least two
19 days' notice of his or her intent to enter and shall enter only at
20 reasonable times. The tenant shall not unreasonably withhold consent
21 to the landlord to enter the dwelling unit at a specified time where
22 the landlord has given at least one day's notice of intent to enter to
23 exhibit the dwelling unit to prospective or actual purchasers or
24 tenants. A landlord shall not unreasonably interfere with a tenant's
25 enjoyment of the rented dwelling unit by excessively exhibiting the
26 dwelling unit.

27 ~~((+4))~~ (7) The landlord has no other right of access except by
28 court order, arbitrator or by consent of the tenant.

29 ~~((+5))~~ (8) A landlord or tenant who continues to violate this
30 section after being served with one written notification alleging in
31 good faith violations of this section listing the date and time of the
32 violation shall be liable for up to one hundred dollars for each
33 violation after receipt of the notice. The prevailing party may
34 recover costs of the suit or arbitration under this section, and may
35 also recover reasonable attorneys' fees.

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

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4 On page 1, line 2 of the title, after "violations;" strike the
5 remainder of the title and insert "and reenacting and amending RCW
6 59.18.150."

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