

2 **SHB 1043** - S COMM AMD

3 By Committee on Law & Justice

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
8 important goal of maximizing local control of public policy issues
9 sometimes needs to be balanced with the also important goal of
10 providing predictability and consistency in laws likely to be
11 encountered by citizens as they move or engage in business across the
12 state.

13 (2) In order to provide a substantial measure of uniformity in the
14 application of state landlord-tenant law while recognizing the
15 importance of the process that has already led some local jurisdictions
16 to adopt local laws, it is the intent of the legislature that:

17 (a) Local jurisdictions that have not adopted ordinances regulating
18 residential landlord-tenant relationships before January 1, 1999, not
19 adopt ordinances inconsistent with chapter 59.18 RCW, the state
20 residential landlord-tenant act; and

21 (b) Local laws in existence as of January 1, 1999, not be amended
22 in a manner inconsistent with section 2 of this act.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW
24 to read as follows:

25 Except as provided in section 3 of this act, the state of
26 Washington hereby fully occupies and preempts the field of landlord-
27 tenant regulation within the boundaries of the state. Local laws not
28 in existence as of January 1, 1999, that are inconsistent with, more or
29 less restrictive than, or exceed or fall below the requirements of
30 state law shall not be enacted regardless of the nature of the code,
31 charter, or home rule status of the city, town, county, or other
32 municipality. Local laws in existence as of January 1, 1999, shall not
33 be amended to create inconsistencies with this section.

34 Except as provided in section 3 of this act, affirmative defenses
35 to an unlawful detainer action that change the duties of a landlord or

1 tenant that are inconsistent with, more or less restrictive than, or
2 exceed or fall below the requirements of state law shall not be enacted
3 regardless of the nature of the code, charter, or home rule status of
4 the city, town, county, or other municipality.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18 RCW
6 to read as follows:

7 (1) Section 2 of this act does not apply to local laws that are
8 intended to affect directly the physical safety of a residential
9 tenant. For purposes of this section "physical safety" means the
10 physical health or security of a tenant.

11 (2) In any proceeding to determine whether a local law directly
12 affects physical safety, a court shall not restrict its consideration
13 to a statement of local legislative intent or finding and shall
14 consider whether voiding a local law as inconsistent with this chapter
15 will result in a direct and significant increase in the risk to the
16 physical safety of residential tenants."

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20 On page 1, line 2 of the title, after "duties;" strike the
21 remainder of the title and insert "adding new sections to chapter 59.18
22 RCW; and creating a new section."

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