

2010 Legislative Update, PART 4

The legislative session reached its first of a series of cutoffs. Policy (non-fiscal) bills had to be reported out of committee by the end of last week or they were dead for the session. Bills that were reported out and sent to the rules committees of the Senate or House now must be acted on by the Senate or House by February 16 to stay alive. Here is the status of bills WMFHA is working on:

SHB 2484 / SSB 5549: Termination Notices

These bills provide that both the landlord and tenant be required to give written notices of termination at least 30 days before the end of the rental period. The House Bill is awaiting a vote of the entire House of Representatives and the Senate Bill is awaiting a vote of the entire Senate. We will work to defeat the bills or have them amended to allow landlords and tenants to terminate with a 30-day notice that can be effective on any day of the month.

SB 6459: Inspections and Civil Search Warrants

Representatives for landlords, tenants and various cities have been meeting since September to try to work out mutually agreeable legislation that would put reasonable restrictions on any mandatory inspection program that a city might adopt. In return for these limitations, cities would be given authority to obtain a civil search warrant for rental property to look for housing code violations. In order to obtain the warrant, the city would have to satisfy a judge that there was "probable cause" to believe that code violations existed. The city would not be able to go on a "fishing expedition." The bill has been reported to the Senate Rules Committee and we are working hard to get it sent to the Senate Floor for a vote.

HB 2618 / SB 6616: Street Utility Tax

These bills authorize cities to adopt a "street maintenance utility" to enable the city to charge property owners for street maintenance in relation to the burden that their properties put on city streets. This would mean that multifamily property owners would be charged based on the number of units at their property. We have been opposing both bills. The Senate bill has been reported out of committee. The House bill is still in committee as of this report and has until February 9 to be reported from committee.

SHB 2886: Carbon Monoxide Detectors

The original bill has been amended and would modify the legislation passed last year and the regulations adopted by the State Building Code Council. The Council regulations would require that CO detectors must be installed in ALL MULTIFAMILY UNITS by July 1, 2011 without exception. The amended bill would delay the date for implementation to January 1, 2013 and change the requirements regarding installation of detectors in owner occupied homes upon sale. Unfortunately, a provision that would have exempted units that do not have any source of carbon monoxide and do not have an attached garage has been dropped from the substitute bill. The bill has been reported out of the Housing Committee and is now in the Rules Committee.

SSB 6261: Clarifying Municipally Owned Utilities' Collections from Owners

This bill will make it clear that a municipally owned electric utility can only hold a rental property owner responsible for a maximum of 4 months unpaid bills if the tenant fails to pay. Current law provides that the utility has a lien against the property for up to 4 months of unpaid bills. However, some utilities have charged owners and required owners to pay more than 4 months of bill in order to continue, transfer or restore service. The bill was amended to limit its application to municipally owned electric services. The bill has been reported out and is now in the Rules Committee.

SB 6772: Service of Notices

This bill clarifies how many copies of a notice a landlord is required to serve when there are multiple tenants at the property. The bill has been reported out and is in the Rules Committee.

HB 2592: Prohibiting Incentives for Towing from Private Property

Several months ago, a local TV station highlighted a local towing company that was offering rewards and gift cards to resident managers based on the number of tows authorized by the property. This bill would make the practice illegal. The bill has been reported out of the Transportation Committee and is now in the House Rules Committee.

HB 2414 / HB 2550: Criminal Street Gangs

These 2 bills are an attempt to deal with gang activities and the adverse affects that such activities can have on a community. The first bill sets up procedures that allow law enforcement to seize, forfeit and sell real or personal property used in connection with gang violence. The second bill authorizes occupants of a multifamily property and neighbors or any rental property to file a complaint seeking a declaration that the property is a nuisance. If a court determines that the property is a nuisance, the property can be closed for up to one year. Both bills have been reported out and are now in House Rules Committee. WMFHA and the rental housing industry are opposed to both bills and are working with the Yakima Landlord Association to have the bills amended to address concerns.

SHB 1766 / SSB 5672: Source of Income / Section 8

These bills are carried over from last year. Each of them would make “source of income” and Section 8 a protected class throughout the state. Although we encourage landlords to participate in the Section 8 program, we do not believe it should be mandated and made the subject of potential discrimination complaints. The program is voluntary at the federal level and should remain so at the state level. Each of these bills is in their respective rules committee and if not voted on by February 19 they must be reintroduced next year.

BILLS THAT HAVE BEEN DEFEATED FOR 2010

The following bills failed to be reported from their policy committee by the February 5 deadline and are thus “dead” for the 2010 legislative session.

HB 2622: Tenant Screening

This bill would have required that a tenant’s screening report be “portable” for 60 days after it was initially issued. It also would have prohibited screening companies from reporting a filed eviction unless a final judgment was entered in favor of the landlord and against the tenant. Finally, it would have required a landlord who denies an applicant or requires a larger security deposit, a co-signer, or some other increased security to give the applicant a written statement setting forth the reasons for the “adverse action.” Landlords testified in opposition to this bill.

HB 2469: Candidates Access to Tenants

This bill provided that a landlord may not unreasonably deny access to the premises to political candidates or their agents or those who are advocating for or against ballot measures. However, the bill would have allowed a landlord to provide in the rental agreement that the tenant authorizes the landlord to deny such access. This bill never received a hearing.

HB 2438: Definition of Service Animal

This bill would have eliminated the requirement of training or certification for a service animal under our state laws regarding discrimination against the disabled in real estate transactions. Landlords testified in opposition to this bill.

There are several other bills that have been carried over from last session but none of these bills has hearings set so far.

If you want more information about any particular bill, you can go to the legislative website <http://www.leg.wa.gov> click on “bill information” in the left hand column, and type the number of the bill that you want to review in the box entitled “search by bill number.”