



Landlord – Tenant Process

Bulletin 49

Division of Building Safety and Inspection for 2018 International Codes

Tenant Responsibilities:

- Have you contacted an attorney and or read the Landlord Tenant law? Chapter 59.18 RCW. <http://apps.leg.wa.gov/RCW/default.aspx?cite=59.18>
- Are you the tenant and current resident of the premises that they are filing a complaint against? **(If not, we will not process the complaint)**
- You must first notify the landlord in writing of the substandard or dangerous conditions (as described below) that you feel need taken care of per RCW 59.18.060, and allow the landlord a reasonable time to remedy the condition or conditions as stated in RCW 59.18.070.
- If the conditions are substandard or dangerous enough you must be prepared to vacate the premises if the inspector feels it is necessary for your safety.
- Please be aware that the landlord will be given the opportunity to be at the residence at the time of our inspection.
- You will need to be available for the inspector to contact you by phone, between 7:30 a.m. and 8:00 a.m. Monday thru Friday, to set a day for the inspector to perform the inspection. The Inspection will either occur in the morning or afternoon within the inspector's normal inspection route.

To register a complaint with us a tenant must provide the following:

- The tenant must request in writing for verification of substandard or dangerous conditions and provide a copy of the letter that was sent to the landlord along with verification that there has been ample time to remedy the condition(s).
- When the written request and certified letter are received, the complaint will be logged into PALS (Planning and Land Services) tracking system – Building Violation, Landlord/Tenant Complaint, and referred to the Building Division.
- The request will then be distributed to the Building Inspector.
- The Building Inspector will fill out the Certification of Building Conditions form with the information provided by the tenant (form attached).
- The Building Inspector will contact the tenant to make arrangements to inspect the residence within 5 days and notify the landlord of our intent to inspect the residence. This information is to be filled out on the form.
- The inspector will perform the required inspection and verify the condition(s) listed by the tenant and check the box either “confirmed” or “not found”. The inspector will then sign and date the report and give a copy to the tenant and that is the end of normal procedure. **Exception:** If a condition exists that is dangerous to the tenant’s health and safety, they may be required to vacate the residence through abatement proceedings.
- The inspector will then turn in his copy of the report to Building Division OA Staff to be entered into PALS tracking system to close the case.

- The purpose of this inspection is to verify, to the best of the inspector's ability, whether the tenant's listed condition(s) exists and substantially endanger the tenant's health or safety under RCW 59.18.115(2)(a); the inspection is for the purpose of this private civil remedy, and therefore, shall not relate to any other governmental function such as enforcement of any code, ordinance, or state law.

TITLE 59 RCW: LANDLORD AND TENANT

59.18.115 - Substandard and dangerous conditions - Notice to Landlord - Government Certification - Escrow Account

- (1) The legislature finds that some tenants live in residences that are substandard and dangerous to their health and safety and that the repair and deduct remedies of RCW 59.18.100 may not be adequate to remedy substandard and dangerous conditions. Therefore, an extraordinary remedy is necessary if the conditions substantially endanger or impair the health and safety of the tenant.
- (2)
 - (a) If a landlord fails to fulfill any substantial obligation imposed by RCW 59.18.060 that substantially endangers or impairs the health or safety of a tenant, including
 - (i) structural members that are of insufficient size or strength to carry imposed loads with safety,
 - (ii) exposure of the occupants to the weather,
 - (iii) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury,
 - (iv) lack of water, including hot water,
 - (v) heating or ventilation systems that are not functional or are hazardous,
 - (vi) defective, hazardous, or missing electrical wiring or electrical service,
 - (vii) defective or inadequate exits that increase the risk of injury to occupants, and
 - (viii) conditions that increase the risk of fire, the tenant shall give notice in writing to the landlord, specifying the conditions, acts, omissions, or violations. Such notice shall be sent to the landlord or to the person or place where rent is normally paid.
 - (b) If after receipt of the notice described in (a) of this subsection the landlord fails to remedy the condition or conditions within a reasonable amount of time under RCW 59.18.070, the tenant may request that the local government provide for an inspection of the premises with regard to the specific condition or conditions that exist as provided in (a) of this subsection. The local government shall have the appropriate government official, or may designate a public or disinterested private person or company capable of conducting the inspection and making the certification, conduct an inspection of the specific condition or conditions listed by the tenant, and shall not inspect nor be liable for any other condition or conditions of the premises. The purpose of this inspection is to verify, to the best of the inspector's ability, whether the tenant's listed condition or conditions exist and substantially endanger the tenant's health of safety under (a) of this subsection; the inspection is for the purposes of this private civil remedy, and therefore shall not be related to any other governmental function such as enforcement of any code, ordinance, or state law.

- (c) The local government or its designee, after receiving the request from the tenant to conduct an inspection under this section, shall conduct the inspection and make any certification within a reasonable amount of time not more than five days from the date of receipt of the request. The local government or its designee may enter the premises at any reasonable time to do the inspection, provided that he or she first shall display proper credentials and request entry. The local government or its designee shall whenever practicable, taking into consideration the imminence of any threat to the tenant's health or safety, give the landlord at least twenty-four hours' notice of the date and time of inspection and provide the landlord with an opportunity to be present at the time of the inspection. The landlord shall have no power or authority to prohibit entry for the inspection.
- (d) The local government or its designee shall certify whether the condition or the conditions specified by the tenant do exist and do make the premises substantially unfit for human habitation or can be a substantial risk to the health and safety of the tenant as described in (a) of this subsection. The certification shall be provided to the tenant, and a copy shall be included by the tenant with the notice sent to the landlord under subsection (3) of this section. The certification may be appealed to the local board of appeals, but the appeal shall not delay or preclude the tenant from proceeding with the escrow under this section

Certification of Building Conditions

Pursuant to RCW 59.18.115

Substandard and Dangerous Conditions - Notice to Landlord -
Government Certification - Escrow Account

Tenant Name: _____

Address: _____ Phone: _____

Landlord Name: _____

Address: _____ Phone: _____

A copy of the tenant's notice specifying conditions, acts, omissions or violations must be attached to this form. Confirmed by: _____

Landlord was notified on _____ (date), of our intent to inspect.

Inspection scheduled for _____ (date).

Confirmed	Not Found	Inspection Items from RCW
<input type="checkbox"/>	<input type="checkbox"/>	(1) Structural members are of insufficient size or strength to carry imposed loads with safety:
<input type="checkbox"/>	<input type="checkbox"/>	(2) Exposure of the occupants to the weather:
<input type="checkbox"/>	<input type="checkbox"/>	(3) Plumbing and sanitation defects directly expose the occupants to the risk of illness or injury:
<input type="checkbox"/>	<input type="checkbox"/>	(4) Lack of water, including hot water:
<input type="checkbox"/>	<input type="checkbox"/>	(5) Heating or ventilation systems are not functional or are hazardous:
<input type="checkbox"/>	<input type="checkbox"/>	(6) Defective, hazardous, or missing electrical wiring or electrical service:
<input type="checkbox"/>	<input type="checkbox"/>	(7) Defective or inadequate exits increase the risk of injury to occupants:
<input type="checkbox"/>	<input type="checkbox"/>	(8) Conditions that increase the risk of fire:

Inspected by: _____ Date: _____

The purpose of this inspection is to verify, to the best of the inspector's ability, whether the tenant's listed condition or conditions exist and substantially endanger the tenant's health or safety under RCW 59.18.115(2)(a); the inspection is for the purposes of this private civil remedy, and therefore shall not be related to any other governmental function such as enforcement of any code, ordinance, or state law.