
Housing Committee

HB 2265

Brief Description: Protecting tenants from periods of extreme heat.

Sponsors: Representatives Mena, Peterson, Parshley, Reed, Ramel, Santos, Street, Scott, Thomas, Doglio, Gregerson, Ormsby, Farivar, Hill, Pollet, Salahuddin and Wylie.

Brief Summary of Bill

- Prohibits landlords from restricting installation of portable cooling devices by tenants subject to the Residential Landlord-Tenant Act (RLTA) and the Manufactured/Mobile Home Landlord-Tenant Act, with certain exceptions.
- Requires RLTA landlords to provide cooling as reasonably required by the tenant.
- Prohibits sheriffs from executing writs of restitution or physically evicting tenants during periods of extreme heat.

Hearing Date: 1/19/26

Staff: Audrey Vasek (786-7383).

Background:

Landlord Duties Related to Utilities.

Under both the Residential Landlord-Tenant Act (RLTA) and the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), landlords have certain duties related to utilities.

Under the RLTA, these duties include providing facilities adequate to supply heat, water, and hot water as reasonably required by the tenant, and maintaining all electrical, plumbing, heating, and other facilities and appliances supplied by the landlord in reasonably good working order. Under

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the MHLTA, these duties include maintaining all utilities provided to the manufactured/mobile home in good working condition.

Under both the RLTA and the MHLTA, landlords are prohibited from involuntarily terminating electric or water service to any tenant due to lack of payment on any day for which the National Weather Service (NWS) has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located.

A tenant whose electric or water service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert for the area in which the tenant's address is located. The landlord must inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

Upon a tenant's request to reconnect service, a landlord must promptly make a reasonable attempt to reconnect service to the dwelling or manufactured/mobile home. A landlord may require the tenant to enter into a repayment plan prior to reconnecting service.

National Weather Service.

The NWS is a component of the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce. The NWS provides weather, water and climate data, forecasts, warnings, and decision support services for the protection of life and property. The NWS has over 120 weather forecast offices around the country. Each NWS forecast office issues some or all of the following heat-related alerts as the conditions warrant:

- An extreme heat warning (formerly known as an "excessive heat warning") is issued when extremely dangerous heat conditions are expected or occurring. During extreme heat warnings, the NWS advises residents to avoid outdoor activities and stay indoors in air-conditioned spaces as much as possible, including overnight.
- An extreme heat watch (formerly known as an "excessive heat watch" is issued when conditions are favorable for an extreme heat event but its occurrence and timing are still uncertain. When an extreme heat watch is issued, the NWS advises residents to plan to suspend all major outdoor activities and locate cooling shelters or discuss staying with nearby family or friends who have air conditioning.
- A heat advisory is issued for dangerous heat conditions that are not expected to reach warning criteria. When a heat advisory is issued, the NWS advises residents to consider postponing or rescheduling outdoor activities and stay in cool places, especially during the heat of the day and evening.

Writs of Restitution.

After a landlord files an eviction or unlawful detainer action against a tenant, a court may issue a writ of restitution ordering the tenant to leave the residence if the court finds that possession of the rental property should be restored to the landlord.

The local sheriff is required to serve the writ of restitution to the tenant by delivering it personally to the tenant, the tenant's agent or attorney, or a person in possession of the premises, or if the sheriff is unable to find such a person, by affixing a copy of the writ in a conspicuous place upon the premises.

The writ of restitution must state the date and time by which the tenant must move out, which must be at least three days after the writ of restitution is served. If the tenant does not move out by that time, the sheriff may execute the writ of restitution, which means that the sheriff may assist the landlord with physically evicting the tenant from the property. The sheriff's assistance includes enforcing the court order and ensuring the peace. The landlord is responsible for providing the moving crew and all other needed items.

Summary of Bill:

Tenant Installation of Portable Cooling Devices.

Under both the RLTA and the MHLTA, a landlord may not prohibit or restrict a tenant from installing a portable cooling device, except in the following circumstances:

- when the installation of the portable cooling device would violate building codes or state or federal law, violate the manufacturer's written safety guidelines for the portable cooling device, cause unreasonable damage to the premises or render the premises uninhabitable, cause unreasonable damage to the manufactured/mobile home or manufactured/mobile home community, or require amperage to power the portable cooling device that cannot be accommodated by the power service to the building, manufactured/mobile home community, dwelling unit, manufactured/mobile home, or circuit;
- when the portable cooling device would be installed in a window and: the window is a necessary egress from the dwelling unit or manufactured/mobile home; the portable cooling device would interfere with the tenant's ability to lock a window that is accessible from outside; the portable cooling device requires the excessive use of hardware that would damage or void the warranty of the window or frame, puncture the exterior wall of the building or manufactured/mobile home, or cause significant damages; the installation of the portable cooling device in the window would not allow adequate drainage; or the portable cooling device cannot be secured in a way that prevents it from falling out of the window; or
- when the dwelling or manufactured/mobile home already has a permanently installed and fully operational heat pump that is capable of cooling the dwelling or home.

"Portable cooling device" means air conditioners and evaporative coolers. This term includes devices designed to be mounted in a window or sit on the floor, but does not include devices whose installation or use requires alteration to the dwelling unit or the manufactured/mobile home.

A landlord who limits the use of portable cooling devices due to inadequate power service must prioritize allowing the use of portable cooling devices for tenants who require it to accommodate

a disability. A landlord is not responsible for any interruption in electrical service that is not caused by the landlord.

A landlord must include written information in the rental agreement or lease notifying a tenant of the tenant's rights, responsibilities, and restrictions related to installation and operation of a portable cooling device.

A landlord is immune from liability for any claim for damages, injury, or death caused by a portable cooling device installed by a tenant.

Landlord Duty to Provide Cooling.

Under the RLTA, landlords must provide facilities adequate to supply cooling as reasonably required by the tenant, as well as maintain all cooling facilities and appliances supplied by the landlord in reasonably good working order.

The terms "excessive heat warning" and "excessive heat watch" are updated to "extreme heat warning" and "extreme heat watch," respectively. This aligns with changes made to these terms by the NWS.

Prohibition on Physical Evictions During Periods of Extreme Heat.

Sheriffs are prohibited from executing writs of restitution or physically evicting tenants during periods of extreme heat.

A "period of extreme heat" is defined as a period of time beginning 24 hours before the effective time of any heat-related alert announced in advance by the NWS, or beginning at the effective time of any heat-related alert issued without advance announcement by the NWS, and ending 48 hours after the expiration or cancellation of the heat-related alert. Heat-related alerts include alerts such as extreme heat warnings, heat advisories, extreme heat watches, or similar alerts for the area in which the tenant's address is located. If multiple heat-related alerts overlap or are sequential, a "period of extreme heat" includes all of the overlapping or sequential alerts and continues uninterrupted until 48 hours after the last heat-related alert expires or is cancelled.

The writ of restitution and the notice accompanying the writ must contain certain information about the prohibition on physical evictions during periods of extreme heat. This information must be conspicuously stated in type that is boldface, all capitals, and not less than 12 points.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.