

HOUSE BILL ANALYSIS

HB 1223

Title: An act relating to landlord-tenant relations.

Brief Description: Addressing the public nuisance activities of tenants.

Sponsors: Representatives Carrell, Zellinsky, Talcott, Hickel, Thompson and Conway.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: The Residential Landlord-Tenant Act establishes various duties of landlords and tenants and provides remedies when those duties are not met. For example, the tenant has a duty to, among other things, keep the premises clean, not intentionally destroy the dwelling, not permit a nuisance or commit waste, and not engage in any drug-related activity.

If the tenant does not comply with any of the statutory duties and the failure to comply substantially affects the health and safety of the tenant or others, the landlord must give the tenant written notice of the noncompliance and allow the tenant 30 days in which to comply. Under certain circumstances, such as when the tenant is engaged in drug-related activity, the landlord need not provide written notice of noncompliance and wait 30 days. Instead, the landlord may terminate the tenancy and proceed directly to an unlawful detainer action. An unlawful detainer action allows the landlord to evict the tenant and regain possession of the property if the tenant does not vacate the property after being served with a notice to vacate.

Historically, case law defined a nuisance as an unreasonable use of property that interferes with another's use or enjoyment of property. Nuisances can either be public or private. In Washington, nuisances are defined by statutes.

The following are public nuisances:

- (a) any unlawful act or failure to act that annoys, injures, or endangers the safety, health, or comfort of a considerable number of people;
- (b) any unlawful act or failure to act that offends public decency;
- (c) any unlawful act or failure to act that renders a considerable number of people insecure in life or the use of property;
- (d) any unlawful interference with or obstruction of a body of water or public park or street, alley, or highway;

- (e) any place where fighting between people or animals or birds is conducted;
- (f) any place where intoxicating liquors are kept for unlawful use, sale, or distribution;
- (g) any place where vagrants resort.

Committing or maintaining a public nuisance is a misdemeanor.

Summary of Bill: The tenant has a duty not to commit or maintain a public nuisance, or allow others on the premises to commit or maintain a public nuisance.

A landlord may terminate the tenancy if the tenant commits or maintains a public nuisance. The landlord may proceed directly to an unlawful detainer action against the tenant. A landlord will not be liable for bringing an unlawful detainer action if the landlord acted in good faith.

In addition, a person may petition the court to have a tenant's tenancy terminated if: (a) the tenant is committing or maintaining a public nuisance that substantially affects the safety of the neighborhood; or (b) the landlord fails to either evict the tenant or notify the tenant to stop committing or maintaining the public nuisance. A person will not be liable for bringing an eviction action if the person acted in good faith.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research