

SENATE BILL REPORT

SB 5318

As Reported By Senate Committee On:
Law & Justice, March 4, 1997

Title: An act relating to writs of restitution.

Brief Description: Preserving writs of restitution when partial payment is accepted.

Sponsors: Senators Haugen, Winsley and Goings.

Brief History:

Committee Activity: Law & Justice: 3/3/97, 3/4/97 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Staff: Martin Lovinger (786-7443)

Background: When a landlord is evicting a tenant and prevails in court, the court will issue a writ of restitution and judgment for money owed the landlord. If prior to the execution of the writ, the tenant pays the full amount of judgment, the sheriff will not enforce the writ. In some counties, the sheriff will not enforce the writ and return it to the court, if the landlord has accepted any money toward the judgment.

It is felt that a landlord who is owed money by a tenant should not be penalized for accepting a partial payment of that judgment. However, it is also felt that a tenant should not be tricked into making a partial payment on the basis that the payment will stop the eviction.

Summary of Substitute Bill: A writ of restitution is not invalidated by the acceptance by the landlord of a partial payment of the judgment against the tenant, unless pursuant to a written agreement signed by both parties. If there is a written agreement, the tenant must provide a copy to the sheriff for delivery to the court. Upon receipt of the agreement, the sheriff must stop the eviction, unless ordered to do otherwise by the court.

The writ of restitution and notice accompanying the writ must state in 12-point bold face type, all capitals, that partial payment will not stop or postpone the eviction unless there is a written agreement.

Substitute Bill Compared to Original Bill: The original bill did not require that any notice of the agreement between the landlord and the tenant be given to the sheriff or the court.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill addresses the treatment of partial payments in order to smooth the unlawful detainer process.

Testimony Against (original bill): The sheriff and the court need notice of the written agreement to stop the eviction.

Testified: Debbie Wilke, Washington Association of County Officials; Lynn O'Connor, Grays Harbor sheriff's office; John Woodring, Apartment Association of Seattle-King County/Manufactured Housing Communities (pro).