

HOUSE BILL REPORT

SSB 6572

As Passed House:
February 28, 2006

Title: An act relating to the unlawful detainer process under the residential landlord-tenant act.

Brief Description: Revising the unlawful detainer process under the residential landlord-tenant act.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senator Hargrove).

Brief History:

Committee Activity:

Judiciary: 2/15/06 [DP].

Floor Activity:

Passed House: 2/28/06, 97-0.

Brief Summary of Substitute Bill

- Specifies that, in an unlawful detainer action based on failure to pay rent, the tenant's notice to the landlord that rent has been paid or no rent is owed may be served by personal delivery, mail, fax, or other methods authorized by court rule.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby, Serben, Springer and Wood.

Staff: Trudes Tango (786-7384).

Background:

The Residential Landlord-Tenant Act (RLTA) governs the relationship between landlords and tenants of residential dwelling units, establishes the duties and liabilities of the parties, and provides procedures for each side to enforce its rights.

The landlord may terminate a tenancy if the tenant fails to substantially comply with the tenant's duties. The landlord must give the tenant written notice before termination and, depending upon the circumstances, allow the tenant time to come into compliance. If the tenant does not comply and continues to be in possession of the property, the landlord may bring an unlawful detainer action.

An unlawful detainer action is a court process to evict a tenant. The landlord must serve the tenant with an unlawful detainer summons and complaint. The tenant may serve his or her response by personal delivery, mail, fax, or any other manner authorized by court rules.

When the unlawful detainer is based on the failure to pay rent, the tenant must either pay the amount owed into the court registry or submit to the court a statement explaining why rent is not owed. Failure to comply is grounds for eviction without a hearing.

The RLTA requires the summons for an unlawful detainer action to be in a specific form. When the action is based on the failure to pay rent, the summons must contain an additional notice regarding the requirement that the tenant pay rent to the court or submit a statement.

Summary of Bill:

The notice to a tenant in an unlawful detainer action based on the failure to pay rent is amended to include a statement telling the tenant that he or she must notify the landlord in writing that rent has been paid in the court registry or that a statement regarding why rent is not owed has been submitted to the court. The tenant may serve notice to the landlord either by personal delivery, mail, fax, or other means authorized by court rules.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill fixes a mistake from last year's unlawful detainer bill, and allows a tenant to respond to a summons by fax.

Testimony Against: None.

Persons Testifying: JD Puckett, Washington Multi Family Housing Association; and Bruce Neas, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: None.