

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5479

Chapter 130, Laws of 2005

59th Legislature
2005 Regular Session

LANDLORD-TENANT ACT--UNLAWFUL DETAINER

EFFECTIVE DATE: 7/24/05

Passed by the Senate March 15, 2005
YEAS 45 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 5, 2005
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 21, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5479** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 21, 2005 - 4:03 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5479

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Berkey, Benton, Prentice, Esser and McAuliffe)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to the unlawful detainer process under the
2 residential landlord-tenant act; and amending RCW 59.12.070, 59.18.370,
3 and 59.18.365.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 59.12.070 and 1927 c 123 s 1 are each amended to read
6 as follows:

7 The plaintiff in his or her complaint, which shall be in writing,
8 must set forth the facts on which he or she seeks to recover, and
9 describe the premises with reasonable certainty, and may set forth
10 therein any circumstances of fraud, force or violence, which may have
11 accompanied the (~~said~~) forcible entry or forcible or unlawful
12 detainer, and claim damages therefor, or compensation for the
13 occupation of the premises, or both; in case the unlawful detainer
14 charged be after default in the payment of rent, the complaint must
15 state the amount of such rent. A summons must be issued as in other
16 cases, returnable at a day designated therein, which shall not be less
17 than (~~six~~) seven nor more than (~~twelve~~) thirty days from the date
18 of service, except in cases where the publication of summons is

1 necessary, in which case the court or judge thereof may order that the
2 summons be made returnable at such time as may be deemed proper, and
3 the summons shall specify the return day so fixed.

4 **Sec. 2.** RCW 59.18.370 and 1973 1st ex.s. c 207 s 38 are each
5 amended to read as follows:

6 The plaintiff, at the time of commencing an action of forcible
7 entry or detainer or unlawful detainer, or at any time afterwards, upon
8 filing the complaint, may apply to the superior court in which the
9 action is pending for an order directing the defendant to appear and
10 show cause, if any he or she has, why a writ of restitution should not
11 issue restoring to the plaintiff possession of the property in the
12 complaint described, and the judge shall by order fix a time and place
13 for a hearing of (~~said~~) the motion, which shall not be less than
14 (~~six~~) seven nor more than (~~twelve~~) thirty days from the date of
15 service of (~~said~~) the order upon defendant. A copy of (~~said~~) the
16 order, together with a copy of the summons and complaint if not
17 previously served upon the defendant, shall be served upon the
18 defendant. (~~Said~~) The order shall notify the defendant that if he or
19 she fails to appear and show cause at the time and place specified by
20 the order the court may order the sheriff to restore possession of the
21 property to the plaintiff and may grant such other relief as may be
22 prayed for in the complaint and provided by this chapter.

23 **Sec. 3.** RCW 59.18.365 and 1989 c 342 s 15 are each amended to read
24 as follows:

25 (1) The summons must contain the names of the parties to the
26 proceeding, the attorney or attorneys if any, the court in which the
27 same is brought, the nature of the action, in concise terms, and the
28 relief sought, and also the return day; and must notify the defendant
29 to appear and answer within the time designated or that the relief
30 sought will be taken against him or her. The summons must contain a
31 street address for service of the notice of appearance or answer and,
32 if available, a facsimile number for the plaintiff or the plaintiff's
33 attorney, if represented. The summons must be served and returned in
34 the same manner as a summons in other actions is served and returned.

35 (2) A defendant may serve a copy of an answer or notice of

1 appearance, and if required by the summons, the sworn statement
2 regarding nonpayment of rent described in RCW 59.18.375, by any of the
3 following methods:

4 (a) By delivering a copy of the answer or notice of appearance to
5 the person who signed the summons at the street address listed on the
6 summons;

7 (b) By mailing a copy of the answer or notice of appearance
8 addressed to the person who signed the summons to the street address
9 listed on the summons;

10 (c) By facsimile to the facsimile number listed on the summons.
11 Service by facsimile is complete upon successful transmission to the
12 facsimile number listed upon the summons;

13 (d) As otherwise authorized by the superior court civil rules.

14 (3) The summons for unlawful detainer actions for tenancies covered
15 by this chapter shall be substantially in the following form. In
16 unlawful detainer actions based on nonpayment of rent, the summons may
17 contain the provisions authorized by RCW 59.18.375.

18 IN THE SUPERIOR COURT OF THE STATE OF
19 WASHINGTON IN AND FOR COUNTY

20 Plaintiff, } NO.
21 }
22 vs. } EVICTION SUMMONS
23 } (Residential)
24 Defendant.

25 THIS IS NOTICE OF A LAWSUIT TO EVICT YOU.
26 PLEASE READ IT CAREFULLY.
27 THE DEADLINE FOR YOUR WRITTEN
28 RESPONSE IS:
29 5:00 p.m., on

30 TO: (Name)
31 (Address)

32 This is notice of a lawsuit to evict you from the property which
33 you are renting. Your landlord is asking the court to terminate your
34 tenancy, direct the sheriff to remove you and your belongings from the
35 property, enter a money judgment against you for unpaid rent and/or

1 damages for your use of the property, and for court costs and
2 attorneys' fees.

3 If you want to defend yourself in this lawsuit, you must respond to
4 the eviction complaint in writing on or before the deadline stated
5 above. You must respond in writing even if no case number has been
6 assigned by the court yet.

7 You can respond to the complaint in writing by delivering a copy of
8 a notice of appearance or answer, and if required by this summons, a
9 sworn statement regarding nonpayment of rent, to your landlord's
10 attorney (or your landlord if there is no attorney) (~~to be received no~~
11 ~~later than the deadline stated above~~) by personal delivery, mailing,
12 or facsimile to the address or facsimile number stated below **TO BE**
13 **RECEIVED NO LATER THAN THE DEADLINE STATED ABOVE.** Service by facsimile
14 is complete upon successful transmission to the facsimile number, if
15 any, listed in the summons.

16 The notice of appearance or answer must include the name of this
17 case (plaintiff(s) and defendant(s)), your name, the street address
18 where further legal papers may be sent, your telephone number (if any),
19 and your signature.

20 If there is a number on the upper right side of the eviction
21 summons and complaint, you must also file your original notice of
22 appearance or answer with the court clerk by the deadline for your
23 written response.

24 You may demand that the plaintiff file this lawsuit with the court.
25 If you do so, the demand must be in writing and must be served upon the
26 person signing the summons. Within fourteen days after you serve the
27 demand, the plaintiff must file this lawsuit with the court, or the
28 service on you of this summons and complaint will be void.

29 If you wish to seek the advice of an attorney in this matter, you
30 should do so promptly so that your written response, if any, may be
31 served on time.

32 You may also be instructed in a separate order to appear for a
33 court hearing on your eviction. If you receive an order to show cause
34 you must personally appear at the hearing on the date indicated in the
35 order to show cause (~~in addition~~) **IN ADDITION** to delivering and
36 filing your notice of appearance or answer by the deadline stated
37 above.

38 IF YOU DO NOT RESPOND TO THE COMPLAINT IN WRITING BY THE

1 DEADLINE STATED ABOVE YOU WILL LOSE BY DEFAULT. YOUR LANDLORD
2 MAY PROCEED WITH THE LAWSUIT, EVEN IF YOU HAVE MOVED OUT OF THE
3 PROPERTY.

4 The notice of appearance or answer must be delivered to:

5

6 Name

7

8 Street Address

9

10 Telephone Number

11

12 Facsimile Number (Required

13 if Available)

Passed by the Senate March 15, 2005.

Passed by the House April 5, 2005.

Approved by the Governor April 21, 2005.

Filed in Office of Secretary of State April 21, 2005.