

# FINAL BILL REPORT

## HB 1607

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Synopsis as Enacted

**Brief Description:** Providing alternative means of service in forcible entry and forcible and unlawful detainer actions.

**Sponsors:** Representative Rodne.

**House Committee on Judiciary**  
**Senate Committee on Financial Institutions, Housing & Insurance**

### **Background:**

An unlawful detainer action allows a landlord to evict a tenant who has failed to pay rent or is otherwise holding over and regain possession of the property if the tenant does not vacate the property after being served with a notice to vacate. If the notice period passes and the tenant does not vacate or cure the default, he or she is in the status of unlawful detainer. This allows the landlord to commence the statutory unlawful detainer or eviction action by summons and complaint.

The summons and complaint in an unlawful detainer action governed by the general unlawful detainer act must be served in the same manner as summons and complaint in other civil actions are served. In the case of individuals this means:

- personal hand-to-hand service;
- abode service, by leaving a copy of the summons and complaint at the defendant's residence with a person of suitable age and discretion who is a resident therein;
- service at the defendant's usual mailing address by leaving a copy of the summons and complaint with a person of suitable age and discretion who is a resident, proprietor, or agent thereof, plus mailing a copy by first-class mail, postage prepaid, to the defendant's usual mailing address; or
- if the plaintiff is unable to so make service, and the plaintiff has filed an affidavit with the court explaining his or her attempts at service, by publication.

In 1989 an additional means for service of summons and complaint was added for unlawful detainer actions governed by the Residential Landlord-Tenant Act (RLTA). Under the RLTA, if personal service has been attempted and has failed, rather than publication, service of a residential eviction summons and complaint may be alternatively accomplished by posting it on the door of the premises and sending a copy by regular and certified mail. This mode of

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service is also available to actions governed by the Manufactured/Mobile Home Landlord-Tenant Act.

**Summary:**

If personal service has been attempted but failed, a plaintiff in an unlawful detainer action governed by the general unlawful detainer act may use the posting alternative means of service. Before the plaintiff may undertake this means of service, he or she must file an affidavit with the court describing the attempts at personal service and obtain authorization by the court.

The posting alternative means of service involves: (1) posting the summons and complaint at the property unlawfully detained, not less than nine days from the return date in the summons; and (2) mailing copies of the summons and complaint, postage prepaid, via regular and certified mail, to the defendant's last known address.

Service accomplished by this alternative means will limit the court's jurisdiction to restoring possession of the premises to the plaintiff. No money judgment may be entered against the defendant until personal jurisdiction is obtained.

**Votes on Final Passage:**

House	98	0
Senate	49	0

**Effective:** June 12, 2014