

# SENATE BILL REPORT

## SB 5123

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As Reported by Senate Committee On:  
Law & Justice, January 24, 2019

**Title:** An act relating to defining three days in unlawful detainer actions.

**Brief Description:** Defining three days in unlawful detainer actions. [**Revised for 1st Substitute:** Concerning unlawful detainer actions.]

**Sponsors:** Senator Padden.

**Brief History:**

**Committee Activity:** Law & Justice: 1/17/19, 1/24/19 [DPS].

**Brief Summary of First Substitute Bill**

- Defines four days to mean four calendar days in unlawful detainer actions.
- Excludes the calculation of weekend days or holidays.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

**Staff:** Tim Ford (786-7423)

**Background:** Under the Residential Landlord-Tenant Act of 1973, if a tenant breaches a rental agreement by failing to make timely rental payments, a landlord may personally serve a three day notice to pay the rent or vacate the premises. The purpose of the notice to pay rent or vacate the premises is to provide the tenant with at least one opportunity to correct a breach before a court action—unlawful detainer action—is commenced by summons and complaint. An unlawful detainer action is a statutorily created proceeding that provides the landlord or tenant an expedited method of resolving the right to possession of property. The term "unlawful detainer" is statutorily defined and it is when a tenant continues in possession after default in payment of rent, and in possession more than three days after notice in

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writing, requiring either payment of rent or vacating the premises. An unlawful detainer action may result in a forfeiture of a lease and eviction.

**Summary of Bill (First Substitute):** Defines four days in unlawful detainer actions to mean calendar days, excluding weekends and holidays. Changes three days' notice to four days' notice to pay or vacate premises. Changes three days to four in provisions for the definition of a forcible detainer and for the execution of a writ of restitution.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):**

- Changes the title from “An act relating to defining three days in unlawful detainers actions” to “An act relating to defining four days in unlawful detainer actions.”
- Changes three days notice to four days notice to pay or vacate premises.
- Defines four days in an unlawful detainer action to exclude weekends and holidays.
- Changes three days to four in provisions for the definition of a forcible detainer and for the execution of a writ of restitution.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Due process is needed in the eviction process. The eviction process is started by a three-day notice to pay rent or vacate the premise. Weekends and holidays were not counted as part of the three days until a 2007 court decision. As a volunteer attorney, my clients have an eviction on their record that follows them. Some are unable to access funds during a weekend or holiday.

A five-day notice would take care of the issues raised. There is a five-day notice for the manufactured housing evictions, for rent and fees. There should also be educational material so that residents receiving notice have a plain understanding in a simple document advising where they can go to get diversion funding assistance. Landlords need to be able to receive rent in order to make their mortgage payments.

OTHER: We need a holistic approach to reform the eviction process that goes further than what is proposed. A huge problem is the short three-day notice time. Tennessee has a 14 day notice period. We need more equitable remedies. A tenant has to pay in full all that is owed including outstanding rent and late fees or be evicted. A landlord does not have to accept any payment if it is not the full amount. A landlord does not have to accept the full amount owed if it is outside of the three day period. Most evictions are for a small amount of money. Evictions cause homelessness in many cases.

**Persons Testifying:** PRO: Senator Mike Padden, Prime Sponsor; Howard Herman, attorney, Herman, Herman & Jolley; Chester Baldwin, Washington Landlord Association; Kyle Woodring, Rental Housing Association of Washington; Kathryn Hedrick, Washington Multifamily Housing Association; Jim Henderson, National Association of Residential Property Management.

OTHER: Xochitl Maykovich, Washington Community Action Network.

**Persons Signed In To Testify But Not Testifying:** No one.