

## **Civil Rights & Judiciary Committee**

### **HB 1138**

**Brief Description:** Concerning the armed forces exceptions for giving notice of termination of a tenancy.

**Sponsors:** Representatives Ryu, Barkis, Leavitt, Reeves, Harris, Macri, Klippert, Kilduff, Dolan, Shea, Sells, Appleton, Goodman, Young, Riccelli and Stanford; by request of Military Department.

#### **Brief Summary of Bill**

- Amends provisions in the Residential Landlord Tenant Act and the Manufactured/Mobile Home Landlord Tenant Act pertaining to termination of tenancy by a tenant who is a member of the Armed Forces.

**Hearing Date:** 1/23/19

**Staff:** Cece Lynch (786-7195).

#### **Background:**

##### Residential Landlord Tenant Act: Termination of Tenancy by Tenant.

The Residential Landlord Tenant Act (RLTA) regulates the relationship between landlords and tenants, including provisions regarding the duties of tenants and landlords, remedies for violations of those duties, and prohibited actions. A tenancy may be for a specified time, such as one year, or it may be for an indefinite time.

A tenancy for a specified time, sometimes also called a lease, is deemed terminated at the end of the specified period. A tenant who terminates a lease prior to the end of the lease period is liable for rent until the end of the period, although the landlord is required to mitigate his or her damages by attempting to re-rent the unit at a fair rental price. A tenancy for a specified period of time may be terminated by a tenant who is a member of the Armed Forces, including the National Guard and Armed Forces Reserves, or that tenant's spouse or dependent, if the tenant receives reassignment or deployment orders. A tenant who terminates a tenancy for a specified

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period because of reassignment or deployment must provide notice of the reassignment or deployment order within seven days of receipt of the order.

Alternatively, premises may be rented for an indefinite time, from period to period or month to month. Such a tenancy is automatically renewed for another period until terminated by either the landlord or the tenant by giving at least 20 days' written notice prior to the end of any of the months or periods of tenancy. A tenant who is a member of the Armed Forces, or the tenant's spouse or dependent, may terminate a periodic tenancy under the RLTA without giving 20 days' notice if the tenant receives reassignment or deployment orders that do not allow for 20 days' notice to be given.

#### Manufactured/Mobile Home Landlord Tenant Act: Termination of Tenancy by Tenant.

The Manufactured/Mobile Home Landlord Tenant Act (MMHLTA) regulates the relationship between the owner of a mobile home park or manufactured housing community (landlord) and the owner of the mobile or manufactured home (tenant). A rental agreement under the MMHLTA is for a period of one year, unless the parties agree to a different period. The rental agreement is automatically renewed for the term of the original agreement, unless the parties agree to a different term. A tenant must notify the landlord in writing one month prior to the expiration of the rental agreement of an intention not to renew.

There are exceptions which permit a tenant to terminate a rental agreement:

- Whenever a change in the location of the tenant's employment requires a change in his or her residence, the MMHLTA allows the tenant to terminate the rental agreement prior to its expiration upon 30 days' notice. The tenant is not liable for the rental following termination unless the landlord is unable to re-rent the mobile home lot at a fair rental price after diligent and reasonable efforts to do so.
- A tenant who is a member of the Armed Forces, including the National Guard and Armed Forces Reserve, or the tenant's spouse or dependent, may terminate with less than 30 days' notice if the tenant receives reassignment or deployment orders that do not allow for greater notice. In that case, the tenant must provide notice of the reassignment or deployment order to the landlord no later than seven days after receipt.

#### **Summary of Bill:**

#### Residential Landlord Tenant Act: Termination of Tenancy by Tenant Member of the Armed Forces.

A tenancy for a specified time may be terminated by a tenant who is a member of the Armed Forces, including the National Guard and Armed Forces Reserves, or that tenant's spouse or dependent, if the tenant receives a permanent change of station (rather than reassignment) or deployment orders. In that case, the tenancy shall be terminated by written notice of 20 days' or more to the the landlord, and the notice shall include a copy of the official military orders or a signed letter from the service member's commanding officer confirming that any of the following six criteria are met:

- service member is required, pursuant to a permanent change of station orders, to move 35 miles or more from the rental premises;
- service member is prematurely or involuntarily discharged or released from active duty;

- service member is released from active duty after having leased the premises while on active duty status and the premises is 35 miles or more from the service member's home of record prior to entering active duty;
- after entering into a rental agreement, the commanding officer directs the service member to move into government provided housing or the service member becomes eligible to live in, and opts to move into, government provided housing;
- service member receives temporary duty orders, temporary change of station orders, or active duty orders to an area 35 miles or more from the location of the premises, provided the orders are for a period not less than 90 days; or
- service member has leased the property, but prior to taking possession of the premises, receives change of station orders to an area that is 35 miles or more from the premises.

A tenant who is a member of the Armed Forces, or the tenant's spouse or dependent, may terminate a periodic tenancy under the Residential Landlord Tenant Act (RLTA) with less than 20 days' written notice if the tenant receives permanent change of station (rather than reassignment) or deployment orders that do not allow for the required 20 days' written notice to be given.

Manufactured/Mobile Home Landlord Tenant Act: Termination of Tenancy by Tenant Member of the Armed Forces.

A tenant who is a member of the Armed Forces, including the National Guard and Armed Forces Reserve, or the tenant's spouse or dependent, may terminate with less than 30 days' notice if the tenant receives permanent change of station (rather than reassignment) or deployment orders that do not allow for greater notice. In that case, the service member must provide the landlord with a copy of the official military orders or a signed letter from the service member's commanding officer confirming any of the same six criteria set forth above for purposes of the RLTA.

Definitions under the Residential Landlord Tenant Act and Manufactured/Mobile Home Landlord Tenant Act.

The following definitions are added to both the RLTA and the Manufactured/Mobile Home Landlord Tenant Act:

- "Active duty" means service authorized by the President of the United States, the Secretary of Defense, or the Governor for a period of more than 30 consecutive days.
- "Orders" means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status.
- "Permanent change of station" means: (a) transfer to a unit located at another port or duty station; (b) change in a unit's home port or permanent duty station; (c) call to active duty for a period not less than 90 days; (d) separation; or (e) retirement.
- "Service member" means an active member of the United States Armed Forces, a member of a military reserve component, or a member of the National Guard who is either stationed in or a resident of Washington.

**Appropriation:** None.

**Fiscal Note:** Available.

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