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**SUBSTITUTE HOUSE BILL 1336**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Housing (originally sponsored by Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke).

Read first time March 6, 1991.

1            AN ACT Relating to prospective residential tenants; adding new  
2 sections to chapter 59.18 RCW; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.**            The legislature finds that tenant  
5 application fees often have the effect of excluding low-income people  
6 from applying for housing because many low-income people cannot afford  
7 these fees in addition to the rent and other deposits which may be  
8 required.    The legislature further finds that application fees are  
9 frequently not returned to unsuccessful applicants for housing, which  
10 creates a hardship on low-income people.    The legislature therefore  
11 finds and declares that it is the policy of the state that certain  
12 tenant application fees should be prohibited and guidelines should be  
13 established for the imposition of other tenant application fees.

14            The legislature also finds that it is important to both landlords  
15 and tenants that consumer information concerning prospective tenants is

1 accurate. Many tenants are unaware of their rights under federal fair  
2 credit reporting laws to dispute information that may be inaccurate.  
3 The legislature therefore finds and declares that it is the policy of  
4 the state for prospective tenants to be informed of their rights to  
5 dispute information they feel is inaccurate in order to help prevent  
6 denials of housing based upon incorrect information.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW  
8 to read as follows:

9 (1) It shall be unlawful for a landlord to require a fee from a  
10 prospective tenant for the privilege of being placed on a list to be  
11 considered as a tenant for a dwelling unit.

12 (2) A landlord who charges a prospective tenant a fee or deposit to  
13 secure that the prospective tenant will move into a dwelling unit,  
14 after the dwelling unit has been offered to the prospective tenant,  
15 must provide the prospective tenant with a receipt for the fee or  
16 deposit, together with a written statement of the conditions, if any,  
17 under which the fee or deposit is refundable. If the prospective  
18 tenant does occupy the dwelling unit, then the landlord must credit the  
19 amount of the fee or deposit to the tenant's first month's rent or to  
20 the tenant's security deposit. If the prospective tenant does not  
21 occupy the dwelling unit, then the landlord may keep up to the full  
22 amount of any fee or deposit that was paid by the prospective tenant to  
23 secure the tenancy, so long as it is in accordance with the written  
24 statement of conditions furnished to the prospective tenant at the time  
25 the fee or deposit was charged. A fee charged to secure a tenancy  
26 under this subsection does not include any fee charged by a landlord to  
27 use a tenant screening service or obtain background information on a  
28 prospective tenant.

1 (3) Any landlord who violates this section may be liable to the  
2 prospective tenant for an amount not to exceed one hundred dollars.  
3 The prevailing party may also recover court costs and a reasonable  
4 attorneys' fee.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18 RCW  
6 to read as follows:

7 (1) If a landlord uses a tenant screening service, then the  
8 landlord may only charge for the costs incurred for using the tenant  
9 screening service under this section. If a landlord conducts his or  
10 her own screening of tenants, then the landlord may charge his or her  
11 actual costs in obtaining the background information, but the amount  
12 may not exceed the costs charged by an outside screening service. The  
13 landlord's actual costs include costs incurred for long distance phone  
14 calls and for time spent calling landlords, employers, and financial  
15 institutions.

16 (2) A landlord may not charge a prospective tenant a fee for  
17 obtaining background information under this section unless the landlord  
18 first notifies the prospective tenant in writing of what a tenant  
19 screening entails, the prospective tenant's rights to dispute the  
20 accuracy of information provided by the tenant screening service or  
21 provided by the entities listed on the tenant application who will be  
22 contacted for information concerning the tenant, and the name and  
23 address of the tenant screening service used by the landlord.

24 (3) Nothing in this section requires a landlord to disclose  
25 information to a prospective tenant that was obtained from a tenant  
26 screening service or from entities listed on the tenant application  
27 which is not required under the federal fair credit reporting act, 15  
28 U.S.C. Sec. 1681 et seq.

1           (4) Any landlord who violates this section may be liable to the  
2 prospective tenant for an amount not to exceed one hundred dollars.  
3 The prevailing party may also recover court costs and reasonable  
4 attorneys' fees.