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SENATE BILL 6732

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State of Washington 57th Legislature

2002 Regular Session

By Senators Kline, Winsley, Costa, Long and Fairley

Read first time 01/30/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to early termination of rental agreements; adding  
2 new sections to chapter 59.18 RCW; repealing RCW 59.18.356; and  
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW  
6 to read as follows:

7 The definitions in this section apply throughout this section and  
8 sections 2 through 4 of this act unless the context clearly requires  
9 otherwise.

10 (1) "Domestic violence" has the same meaning as set forth in RCW  
11 26.50.010.

12 (2) "Sexual assault" has the same meaning as set forth in RCW  
13 70.125.030.

14 (3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

15 (4) "Qualified third party" means a police officer, licensed  
16 medical care provider, an employee of a court of the state acting in  
17 the course of his or her duties, member of the clergy, attorney, social  
18 worker, licensed mental health professional or other licensed

1 counselor, or advocate working at an agency that assists victims of  
2 domestic violence, sexual assault, or stalking.

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

5 (1)(a) If a tenant notifies the landlord in writing that he or she  
6 is a victim of domestic violence, sexual assault, or stalking, and  
7 either (a)(i), (ii), or (iii) of this subsection applies, then  
8 subsection (2) of this section applies:

9 (i) The tenant has a valid order for protection under chapter 26.50  
10 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, or 26.09.050;

11 (ii) The tenant has notified a law enforcement officer of an act or  
12 acts of domestic violence, sexual assault, or stalking; or

13 (iii) The tenant has consulted with a qualified third party and  
14 reported the domestic violence, sexual assault, or stalking to the  
15 qualified third party.

16 (b) When a copy of the order for protection, police report, or  
17 verification of consultation with or report to a qualified third party,  
18 as required under (a) of this subsection, is made available to the  
19 landlord, the tenant may terminate the rental agreement and quit the  
20 premises without further obligation under the rental agreement.  
21 However, the request to terminate the rental agreement must occur  
22 within ninety days of the most recent acts, events, or circumstances  
23 that gave rise to the protective order, report to a law enforcement  
24 officer, or consultation with or report to a qualified third party.  
25 Verification of consultation with or reporting to a qualified third  
26 party may consist of a signed statement of the qualified third party or  
27 a form routinely provided by the qualified third party for completion  
28 by clients. This form must be in substantially the following form:

29 . . . . .  
30 [Name of organization, agency, clinic, professional service provider]

31 I am a victim of  
32 . . . domestic violence as defined by RCW 26.50.010.  
33 . . . sexual assault as defined by RCW 70.125.030.  
34 . . . stalking as defined by RCW 9A.46.110.

1 . . . . .

2 Signature

3 I have been provided with a copy of the statutes cited in section  
4 2 of this act.

5 The incident(s) that I rely on in support of this declaration  
6 occurred on the following date(s): . . . . .

7 I state under penalty of perjury under the laws of the state of  
8 Washington that the foregoing is true and correct. Dated at  
9 . . . . .(city). ., Washington, this . . . day of . . . ., 20. .

10 . . . . .

11 Signature

12 I verify that I have provided to the person whose signature appears  
13 above a copy of the statutory language cited above and subsequently  
14 that individual informed me of his or her status as a victim of  
15 domestic violence, sexual assault, or stalking on this . . . day of  
16 . . . ., 20. .

17 . . . . .

18 Signature of authorized officer/employee of  
19 (Organization, agency, clinic, professional  
20 service provider)

21 (2) A tenant who terminates a rental agreement under this section  
22 is discharged from the payment of rent for any period following the  
23 quitting date, and is entitled to a pro rata refund of any prepaid  
24 rent, and shall receive a full and specific statement of the basis for  
25 retaining any of the deposit together with any refund due in accordance  
26 with RCW 59.18.280. Other tenants who are parties to the rental  
27 agreement are not released from their obligations under the rental  
28 agreement or other obligations under this chapter.

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

31 (1) A landlord may not terminate a tenancy, fail to renew a  
32 tenancy, or refuse to enter into a rental agreement based on the  
33 tenant's or applicant's status as a victim of domestic violence, sexual

1 assault, or stalking, or based on the tenant or applicant having  
2 terminated a rental agreement under section 1 of this act.

3 (2) A landlord who refuses to enter into a rental agreement in  
4 violation of this section may be liable to the tenant or applicant in  
5 a civil action for damages sustained by the tenant or applicant. The  
6 prevailing party may also recover court costs and reasonable attorneys'  
7 fees.

8 (3) It is a defense to a wrongful detainer action under chapter  
9 59.12 RCW that the action to remove the tenant and recover possession  
10 of the premises is in violation of subsection (1) of this section.

11 (4) This section does not prohibit adverse housing decisions based  
12 upon other lawful factors within the landlord's knowledge.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.18 RCW  
14 to read as follows:

15 (1) A tenant screening service provider may not include information  
16 in a written or oral report to a landlord pertaining to domestic  
17 violence, sexual assault, or stalking; pertaining to the fact that the  
18 subject of the report is a victim of domestic violence, sexual assault,  
19 or stalking; or stating that the subject of the report has terminated  
20 a rental agreement under section 2 of this act.

21 (2) A tenant screening service provider who violates this section  
22 may be liable in a civil action for damages sustained by the subject of  
23 the report. The prevailing party may recover court costs and  
24 reasonable attorneys' fees.

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

27 A tenant who has obtained a court order from a court of competent  
28 jurisdiction granting him or her possession of a dwelling unit to the  
29 exclusion of one or more cotenants may request that a lock be replaced  
30 or configured for a new key at the tenant's expense. The landlord  
31 shall comply with the request and refuse to provide copies of the new  
32 keys to the tenant restrained or excluded by the court's order. This  
33 section does not release a cotenant from liability or obligations under  
34 the rental agreement.

1        NEW SECTION.    **Sec. 6.**    RCW 59.18.356 (Threatening behavior--  
2 Violation of order for protection--Termination of agreement--Financial  
3 obligations) and 1992 c 38 s 7 are each repealed.

4        NEW SECTION.    **Sec. 7.**    This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of the  
6 state government and its existing public institutions, and takes effect  
7 immediately.

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