

FINAL BILL REPORT

SSB 5479

C 130 L 05

Synopsis as Enacted

Brief Description: Changing provisions relating to the unlawful detainer process under the residential landlord-tenant act.

Sponsors: Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Berkey, Benton, Prentice, Esser and McAuliffe).

Senate Committee on Financial Institutions, Housing & Consumer Protection
House Committee on Judiciary

Background: Courts are governed by the rules of civil procedure. In interpreting periods of time, the rules provide that if a period of less than seven days is used in any applicable statute, court order, or rule, weekends and legal holidays are not included; however, if a period of seven or more days is used, weekends and legal holidays are included. There are concerns that the rules of civil procedure, which are not contained in the statutes, may cause confusion in regards to giving timely notice of eviction proceedings, as it is unclear on the face of the statute when weekends are and are not included.

A summons issued in the case of a forcible or unlawful detainer or forcible entry, must provide the date on which the summons is to be returned, the date cannot be less than six days, nor more than twelve days from the date of service.

A judicial order for a show cause hearing in cases of forcible entry and forcible or unlawful detainer must be set to take place not less than six nor more than twelve days, calculated from the date that the order is served upon the defendant.

Summary: A summons for a forcible entry, or forcible or unlawful detainer, must provide that the summons is to be returned on a specified date, which is at least seven and not more than 30 days from the date of service. Further, an order for a show cause hearing for forcible entry, or forcible or unlawful detainer, must set a date that is at least seven days from the date the order is served. Therefore, weekends and legal holidays, according to the governing rules of civil procedure, will be included when determining whether the statutory time frame was satisfied.

Defendants may serve, in reply to an eviction summons, a copy of an answer, notice of appearance, or a sworn statement regarding non-payment of rent by fax. Service by fax is complete upon successful transmission to the number provided on the summons.

Technical corrections are made to remove obsolete terms and to provide that the statutes addressing forcible entry and forcible and unlawful detainer are gender neutral.

Votes on Final Passage:

Senate 45 0

House 95 0

Effective: July 24, 2005