

HOUSE BILL REPORT

ESHB 1138

As Passed House:
February 20, 2019

Title: An act relating to the armed forces exceptions for giving notice of termination of tenancy.

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

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Ryu, Barkis, Leavitt, Reeves, Harris, Macri, Klippert, Kilduff, Dolan, Shea, Sells, Appleton, Goodman, Young, Riccelli and Stanford; by request of Military Department).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/23/19, 2/1/19 [DPS].

Floor Activity:

Passed House: 2/20/19, 95-0.

Brief Summary of Engrossed Substitute 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.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kilduff, Kirby, Klippert, Orwall, Shea, Valdez, Walen and Ybarra.

Staff: Cece Clynch (786-7195).

Background:

Residential Landlord Tenant Act: Termination of Tenancy by Tenant.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 Reserve, or that tenant's spouse or dependent, if the tenant receives reassignment or deployment orders. A tenant who terminates a tenancy for a specified 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 Engrossed Substitute 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 Reserve, or that tenant's spouse or dependent, if the tenant receives a permanent change of station (rather than reassignment) or deployment orders. Before terminating the tenancy, the tenant, or that tenant's spouse or dependent shall provide written notice of 20 days or more to 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;
- 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.

Staff Summary of Public Testimony:

(In support) The purpose of the bill is to make it really clear to both the landlords and the tenants what documents are required. Making sure the provisions are very clear is especially important at this time given that there is a tight housing market and the Armed Forces are sacrificing so much despite the fact that they are not paid very highly and often do not have many resources or nearby family and friends available. Clarity with respect to the notice, type of orders, and distance will decrease the burden and stress on the Armed Forces. With clarity, there will be fewer consultations with lawyers by both landlords and tenants. Both Florida and Virginia have similar laws. The Veterans Legislative Coalition supports passage, as do landlord groups. There has been a lot of work on this bill by many persons, including Senator Hobbs and Representative Barkis.

(Opposed) None.

Persons Testifying: Representative Ryu, prime sponsor; Alex Straub, Washington National Guard; Dick Marcelynas, Veterans Legislative Coalition; and Chester Baldwin, Washington Landlord Association.

Persons Signed In To Testify But Not Testifying: None.