

SENATE BILL REPORT

ESHB 1138

As Passed Senate, April 8, 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: Passed House: 2/20/19, 95-0.

Committee Activity: Financial Institutions, Economic Development & Trade: 3/14/19 [DP].

Floor Activity:

Passed Senate: 4/08/19, 47-0.

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.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, ECONOMIC DEVELOPMENT & TRADE

Majority Report: Do pass.

Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Das, Ericksen and Hobbs.

Staff: Kellee Gunn (786-7429)

Background: Terminating Tenancy. The Residential Landlord-Tenant Act (RLTA) regulates the rights and duties of landlords and tenants in residential rental housing. In cases where a dwelling is rented month-to-month, tenants have to provide the landlord written notice 20 days before terminating their tenancy. In all cases where premises are rented for a specified time, by express or implied contract, the tenancy shall end at the specified time.

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 Manufactured/Mobile Home Landlord Tenant Act (MMHLTA) regulates the relationship between the owner of a manufactured/mobile home community (landlord) and the owner of the manufactured or mobile home (tenant). The MMHLTA requires the tenant to notify the landlord, in writing, one month prior to not renewing the rental agreement.

Notice by a Member of the Armed Forces, National Guard, and Armed Forces Reserves. Residential tenants, and their spouses and dependents, who are members of the armed services, including the National Guard and Armed Forces Reserves (armed services) may terminate tenancy with less than 20-days notice if they receive reassignment orders that do not allow a 20-day notice. The tenancy may be terminated upon receipt of deployment or reassignment orders. If their deployment is for a specified time, the tenant must give seven days notice to the landlord after receipt of the reassignment or deployment.

The same right to terminate a rental agreement for the purpose of deployment or reassignment orders extends to the MMHLTA.

Members of the armed services who are in a long-term rental agreement, must provide their landlords notification of reassignment orders within seven days of receiving them.

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 services, 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 20 days or more written notice of to the landlord. The notice shall include a copy of the official military orders or a signed letter from the service member's commanding officer confirming certain criteria are met. The criteria may include the tenant:

- moving 35 miles or more from the location of the rental premises;
- being discharged or released prematurely from active duty;
- being released from active duty and the home of record is farther than 35 miles away from the rental premises;
- being directed by a commanding officer to move into government housing; or
- receiving temporary duty or change of station orders.

A tenant who is a member of the armed services, or the tenant's spouse or dependent, may terminate a periodic tenancy under the 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 services, 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. If terminating prior to the end of the lease date or a long-term rental agreement, 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 certain criteria also required in the RLTA.

Definitions. The following definitions are added to both the RLTA and the MMHLTA:

- "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 (1) transfer to a unit located at another port or duty station; (2) change in a unit's home port or permanent duty station; (3) call to active duty for a period not less than 90 days; (4) separation; or (5) 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 Washington or is a resident of Washington.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Service members should not just decide to terminate tenancy when government housing becomes available, so the amendment on the House floor tightened up the language a bit. This would make it so lawyers are less involved with tenancy terminations. Tenancy termination is an issue of great importance to military families. For military lawyers, this will give them extra time to serve members in other ways. The coalition unanimously supports this bill. Military families move often, and change of orders can come quickly. This provides clarity to property managers, and saves on lawyer fees.

Persons Testifying: PRO: Representative Cindy Ryu, Prime Sponsor; Major Alex Straub, Deputy Staff Judge Advocate, Washington National Guard; Dick Marcelynas, Veterans Legislative Coalition; Brett Waller, Washington Multi-Family Housing Association.

Persons Signed In To Testify But Not Testifying: No one.