

SB 6212 - S AMD 536
By Senator Gildon

NOT CONSIDERED 03/07/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18
4 RCW to read as follows:

5 (1) Beginning January 1, 2025, upon the request of a current or
6 prospective tenant, a landlord shall submit documentation of the
7 requesting tenant's rental payments under the current or forthcoming
8 rental agreement or lease to at least one of the following:

9 (a) A nationwide consumer reporting agency; or

10 (b) Any other consumer reporting agency so long as the consumer
11 reporting agency resells or otherwise furnishes rental payment
12 information to a nationwide consumer reporting agency.

13 (2) No landlord may report any rental payments as late or missed
14 that are made no later than five days after the due date in the month
15 for which the payment is due.

16 (3) A landlord shall provide information regarding a tenant's
17 ability to request reporting of the tenant's rent payments under this
18 section as follows:

19 (a) To each new tenant, at the time of or prior to the tenant's
20 entry into a new rental agreement or lease with the landlord;

21 (b) To each existing tenant, at the time of or prior to:

22 (i) The renewal of any currently expiring rental agreement or
23 lease;

24 (ii) Entry into a new rental agreement or lease with the same
25 landlord; or

26 (iii) Entry into a tenancy from month-to-month, but only if such
27 tenancy was explicitly agreed to by the landlord and tenant prior to
28 the termination of the rental agreement or lease immediately
29 preceding the tenancy month-to-month.

30 (4) The information mandated in subsection (3) of this section
31 must be provided to the tenant in writing and include, at a minimum,
32 the following:

1 (a) A statement that the tenant is entitled to have the tenant's
2 rental payment information reported by the landlord as set forth in
3 this section;

4 (b) A statement that the landlord's duty to report applies to all
5 rental payments, and that the landlord may not report any rental
6 payments as late or missed that are made no later than five days
7 after the due date in the month for which the payment is due;

8 (c) A statement that the tenant's decision to have the tenant's
9 rental payment information reported pursuant to this section is
10 voluntary, and that the tenant may request that the landlord cease
11 reporting this information at any time, for any reason, by providing
12 written notice to the landlord that the tenant no longer wishes to
13 have the tenant's rental payment information reported;

14 (d) A statement that the reporting will commence within 30 days
15 after the first rent payment made following the tenant's request to
16 have the tenant's rental payment information reported under this
17 section, and will continue until the tenant provides written notice
18 to the landlord that the tenant no longer wishes to have the tenant's
19 information reported, or the lease is terminated, whichever happens
20 sooner; and

21 (e) A section affirmatively asking if the tenant wishes to begin
22 having the tenant's rental payment information reported pursuant to
23 this section beginning at the start of the rental agreement or lease
24 in connection with which the information was provided. This section
25 must include a clearly marked space for the tenant or prospective
26 tenant to:

27 (i) Indicate whether or not the tenant wishes to have the
28 tenant's rental payment information reported; and

29 (ii) Provide the tenant's signature and the date of signing.

30 (5) At any time during a current rental agreement or lease,
31 including a tenancy month-to-month, any tenant may request that the
32 landlord begin reporting the tenant's rental payment information
33 pursuant to this section. The request must adhere to the following
34 requirements:

35 (a) The request must be made in writing;

36 (b) The request must state that the tenant is requesting that the
37 landlord begin reporting the tenant's rental payment information
38 pursuant to this section;

39 (c) The request must be signed and dated by the tenant; and

1 (d) The request must be delivered in person or by certified mail
2 to any one of the following:

3 (i) The landlord;

4 (ii) The landlord's authorized agent;

5 (iii) A property manager involved in the management of the
6 property where the dwelling referenced in the rental agreement or
7 lease is located;

8 (iv) Any building that is:

9 (A) Regularly used for managing or otherwise administrating the
10 business affairs of the property where the dwelling referenced in the
11 rental agreement or lease is located; and

12 (B) Located on the same property as the dwelling referenced in
13 the rental agreement or lease;

14 (v) Any address that accepts delivery of rental payments under
15 the rental agreement or lease.

16 (6) When any tenant provides notice that the tenant no longer
17 wishes to have the tenant's rental payment information reported, the
18 following shall apply:

19 (a) The tenant is not eligible to have the tenant's rental
20 payment information under the current rental agreement or lease
21 reported pursuant to this section for the first six months following
22 that notice, inclusive of the month in which the notice was given;

23 (b) After the six-month period of ineligibility has elapsed, if
24 the tenant wishes to resume having the tenant's rental payment
25 information reported pursuant to this section, the tenant must submit
26 a request as set forth in subsection (5) of this section; and

27 (c) A landlord's duty to provide written information to tenants
28 pursuant to subsections (3) and (4) of this section is not rescinded
29 or altered by any period of ineligibility provided under this
30 subsection.

31 (7) Once a tenant requests that the tenant's rental payment
32 information be reported, a landlord shall submit documentation of a
33 tenant's rental payment in conformity with subsection (1) of this
34 section no later than 30 days after each payment is made.

35 (8) The duty to report rent payments created under this section
36 applies only to payments made under a current rental agreement or
37 lease, or tenancy month-to-month.

38 (9) A landlord's duty to report rental payments under this
39 section terminates at the end of a current rental agreement or lease,
40 or when a rental agreement or lease reverts by default to a tenancy

1 month-to-month without explicit oral or written agreement of the
2 landlord and tenant prior to the expiration of the rental agreement
3 or lease immediately preceding the tenancy month-to-month.

4 (10) Once a rental agreement or lease reverts by default to a
5 tenancy month-to-month, if a tenant wishes that the rental payment
6 information be reported pursuant to this section, the tenant must
7 submit a request as set forth in subsection (5) of this section.

8 (11) Once a tenant engaged in a tenancy month-to-month submits a
9 request under subsection (5) of this section, the landlord shall
10 continue reporting the tenant's rental payment information in
11 conformity with this section until the landlord receives notice from
12 the tenant of the tenant's intent to end such tenancy pursuant to RCW
13 59.18.200(1)(a).

14 (12) Once a tenant requests that the tenant's rental payment
15 information be reported pursuant to this section, a landlord must
16 keep records sufficient to demonstrate, upon request, that the
17 landlord has fulfilled the duties created under this section. These
18 records may be kept in paper or digital format.

19 (13) Upon request, a landlord shall provide a tenant with written
20 proof that the landlord has reported that tenant's rental payment
21 information in compliance with the duties created under this section.

22 (14) For the purposes of this section:

23 (a) "Consumer reporting agency" has the same meaning as in RCW
24 19.182.010.

25 (b) "National consumer reporting agency" means a consumer
26 reporting agency that regularly engages in the practice of assembling
27 or evaluating, and maintaining, for the purpose of furnishing
28 consumer reports to third parties bearing on a consumer's credit
29 worthiness, credit standing, or credit capacity, each of the
30 following regarding consumers residing nationwide:

31 (i) Public record information; and

32 (ii) Credit account information from persons who furnish that
33 information regularly and in the ordinary course of business.

34 (c) "Rent or rental payment" means any payment that constitutes
35 the amount agreed upon for rent in the rental agreement or lease.

36 (d) "Rental payment information" means documentation sufficient
37 to demonstrate to a credit reporting agency that the tenant has made
38 the rent payment on time.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.20
2 RCW to read as follows:

3 (1) Beginning January 1, 2025, upon the request of a current or
4 prospective tenant, a landlord shall submit documentation of the
5 requesting tenant's rental payments under the current or forthcoming
6 written rental agreement to at least one of the following:

7 (a) A nationwide consumer reporting agency; or

8 (b) Any other consumer reporting agency so long as the consumer
9 reporting agency resells or otherwise furnishes rental payment
10 information to a nationwide consumer reporting agency.

11 (2) No landlord may report any rental payments as late or missed
12 that are made no later than five days after the due date in the month
13 for which the payment is due.

14 (3) A landlord shall provide information regarding a tenant's
15 ability to request reporting of the tenant's rent payments under this
16 section as follows:

17 (a) To each new tenant, at the time of or prior to the tenant's
18 entry into a new written rental agreement with the landlord;

19 (b) To each existing tenant, at the time of or prior to:

20 (i) The renewal of any currently expiring written rental
21 agreement except where such renewal occurs automatically pursuant to
22 RCW 59.20.090(1); or

23 (ii) Entry into a new written rental agreement with the same
24 landlord.

25 (4) The information mandated in subsection (3) of this section
26 must be provided to the tenant in writing and include, at a minimum,
27 the following:

28 (a) A statement that the tenant is entitled to have the tenant's
29 rental payment information reported by the landlord as set forth in
30 this section;

31 (b) A statement that the landlord's duty to report applies to all
32 rental payments, and that the landlord may not report any rental
33 payments as late or missed that are made no later than five days
34 after the due date in the month for which the payment is due;

35 (c) A statement that the tenant's decision to have the tenant's
36 rental payment information reported pursuant to this section is
37 voluntary, and that the tenant may request that the landlord cease
38 reporting this information at any time, for any reason, by providing
39 written notice to the landlord that the tenant no longer wishes to
40 have their rental payment information reported;

1 (d) A statement that the reporting will commence within 30 days
2 after the first rent payment made following the tenant's request to
3 have the tenant's rental payment information reported under this
4 section, and will continue until the tenant provides written notice
5 to the landlord that the tenant no longer wishes to have the tenant's
6 information reported, or the lease is terminated, whichever happens
7 sooner; and

8 (e) A section affirmatively asking if the tenant wishes to begin
9 having the tenant's rental payment information reported pursuant to
10 this section beginning at the start of the written rental agreement
11 in connection with which the information was provided. This section
12 must include a clearly marked space for the tenant or prospective
13 tenant to:

14 (i) Indicate whether or not the tenant wishes to have their
15 rental payment information reported; and

16 (ii) Provide the tenant's signature and the date of signing.

17 (5) At any time during a current written rental agreement, any
18 tenant may request that the landlord begin reporting the tenant's
19 rental payment information pursuant to this section. The request must
20 adhere to the following requirements:

21 (a) The request must be made in writing;

22 (b) The request must state that the tenant is requesting that the
23 landlord begin reporting the tenant's rental payment information
24 pursuant to this section;

25 (c) The request must be signed and dated by the tenant; and

26 (d) The request must be delivered in person or by certified mail
27 to any one of the following:

28 (i) The landlord;

29 (ii) The landlord's authorized agent;

30 (iii) A property manager involved in the management of the
31 property where the dwelling referenced in the written rental
32 agreement is located;

33 (iv) Any building that is:

34 (A) Regularly used for managing or otherwise administrating the
35 business affairs of the property where the dwelling referenced in the
36 written rental agreement is located; and

37 (B) Located on the same property as the dwelling referenced in
38 the written rental agreement;

39 (v) Any address that accepts delivery of rental payments under
40 the written rental agreement.

1 (6) When any tenant provides notice that the tenant no longer
2 wishes to have the tenant's rental payment information reported, the
3 following shall apply:

4 (a) The tenant is not eligible to have the tenant's rental
5 payment information under the current written rental agreement
6 reported pursuant to this section for the first six months following
7 that notice, inclusive of the month in which the notice was given;

8 (b) After the six-month period of ineligibility has elapsed, if
9 the tenant wishes to resume having the tenant's rental payment
10 information reported pursuant to this section, the tenant must submit
11 a request as set forth in subsection (5) of this section; and

12 (c) A landlord's duty to provide written information to tenants
13 pursuant to subsections (3) and (4) of this section is not rescinded
14 or altered by any period of ineligibility provided under this
15 subsection.

16 (7) Once a tenant requests that the tenant's rental payment
17 information be reported, a landlord shall submit documentation of a
18 tenant's rental payment in conformity with subsection (1) of this
19 section no later than 30 days after each payment is made.

20 (8) The duty to report rent payments created under this section
21 applies only to payments made under a current written rental
22 agreement, including a written rental agreement that has
23 automatically renewed pursuant to RCW 59.20.090(1).

24 (9) A landlord's duty to report rental payments under this
25 section terminates upon any of the following:

26 (a) At the end of a current written rental agreement where the
27 written rental agreement will not be automatically renewed pursuant
28 to RCW 59.20.090(1);

29 (b) When the landlord receives notice pursuant to RCW
30 59.20.090(3) of the tenant's intention not to renew the written
31 rental agreement; or

32 (c) When a tenant provides written notice that the tenant no
33 longer wishes to have the tenant's rental payment information
34 reported pursuant to this section.

35 (10) Once a tenant requests that the tenant's rental payment
36 information be reported pursuant to this section, a landlord must
37 keep records sufficient to demonstrate, upon request, that the
38 landlord has fulfilled the duties created under this section. These
39 records may be kept in paper or digital format.

1 (11) Upon request, a landlord shall provide a tenant with written
2 proof that the landlord has reported the tenant's rental payment
3 information in compliance with the duties created under this section.

4 (12) For the purposes of this section:

5 (a) "Consumer reporting agency" has the same meaning as in RCW
6 19.182.010.

7 (b) "National consumer reporting agency" means a consumer
8 reporting agency that regularly engages in the practice of assembling
9 or evaluating, and maintaining, for the purpose of furnishing
10 consumer reports to third parties bearing on a consumer's credit
11 worthiness, credit standing, or credit capacity, each of the
12 following regarding consumers residing nationwide:

13 (i) Public record information; and

14 (ii) Credit account information from persons who furnish that
15 information regularly and in the ordinary course of business.

16 (c) "Rent or rental payment" means any payment that constitutes
17 the amount agreed upon for rent in the written rental agreement.

18 (d) "Rental payment information" means documentation sufficient
19 to demonstrate to a credit reporting agency that the tenant has made
20 the rent payment on time."

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21 On page 1, line 1 of the title, after "Relating to" strike the
22 remainder of the title and insert "landlords reporting rental
23 payments to consumer reporting agencies; adding a new section to
24 chapter 59.18 RCW; and adding a new section to chapter 59.20 RCW."

EFFECT: Modifies the title. Removes the requirement that reporting applies to only on-time payments. Requires landlords to report all rental payments to consumer credit reporting agencies unless given notice, or the tenancy ends. Removes the provisions equating a late rental payment as notice of termination of rental reporting. Clarifies that a payment is not late until five days after the due date.

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