
Housing Committee

HB 2389

Brief Description: Addressing service of notice by mail in cases involving forcible entry and forcible and unlawful detainer.

Sponsors: Representatives Abbarno and Barkis.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Amends the portions of RCW 59.12.040 having to do with service by mail, how such service is made, and when it is deemed complete.

Hearing Date: 1/25/24

Staff: Austin Borcharding (786-7094).

Background:

In cases involving forcible entry and unlawful detainer, where service of notice is required, such service must be made as follows:

- by delivering a copy personally to the person entitled thereto; or
- if he or she be absent from the premises unlawfully held:
 - by leaving there a copy, with some person of suitable age and discretion; and
 - sending a copy through the mail addressed to the person entitled thereto at his or her place of residence.

If the person to be notified is a tenant or an unlawful holder of premises, and his or her place of residence is not known, or if a person of suitable age and discretion cannot be found there, then service may also be made as follows:

- by affixing a copy of the notice in a conspicuous place on the premises unlawfully held; and

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- also delivering a copy to a person there residing, if such a person can be found; and
- also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated.

When a copy of notice is sent through the mail for the purposes described above, service is deemed complete when the notice is deposited in the United States mail in the county in which the property is situated properly addressed with postage prepaid.

Summary of Bill:

The service of notice requirements in cases regarding forcible entry and unlawful detainer cases are modified in circumstances where the person who is being notified is absent from the premises.

As amended, service would require sending a copy by certified mail to the last known address of the person (current law requires sending a copy through the mail addressed to the person at the person's place of residence).

Service of notice would be considered complete when the mail is deposited, postage prepaid, by certified mail to the last known address of the person, rather than in the county in which the property is situated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.