

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1336

Chapter 194, Laws of 1991

52nd Legislature
1991 Regular Session

TENANT APPLICATION FEES

EFFECTIVE DATE: 7/28/91

Passed by the House March 14, 1991
Yeas 95 Nays 0

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 18, 1991
Yeas 43 Nays 6

JOEL PRITCHARD
President of the Senate

Approved May 15, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1336** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 15, 1991 - 11:48 a.m.

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1336

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Housing (originally sponsored by Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke).

Read first time March 6, 1991.

1 AN ACT Relating to prospective residential tenants; adding new
2 sections to chapter 59.18 RCW; creating a new section; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that tenant
6 application fees often have the effect of excluding low-income people
7 from applying for housing because many low-income people cannot afford
8 these fees in addition to the rent and other deposits which may be
9 required. The legislature further finds that application fees are
10 frequently not returned to unsuccessful applicants for housing, which
11 creates a hardship on low-income people. The legislature therefore
12 finds and declares that it is the policy of the state that certain
13 tenant application fees should be prohibited and guidelines should be
14 established for the imposition of other tenant application fees.

1 The legislature also finds that it is important to both landlords
2 and tenants that consumer information concerning prospective tenants is
3 accurate. Many tenants are unaware of their rights under federal fair
4 credit reporting laws to dispute information that may be inaccurate.
5 The legislature therefore finds and declares that it is the policy of
6 the state for prospective tenants to be informed of their rights to
7 dispute information they feel is inaccurate in order to help prevent
8 denials of housing based upon incorrect information.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW
10 to read as follows:

11 (1) It shall be unlawful for a landlord to require a fee from a
12 prospective tenant for the privilege of being placed on a waiting list
13 to be considered as a tenant for a dwelling unit.

14 (2) A landlord who charges a prospective tenant a fee or deposit to
15 secure that the prospective tenant will move into a dwelling unit,
16 after the dwelling unit has been offered to the prospective tenant,
17 must provide the prospective tenant with a receipt for the fee or
18 deposit, together with a written statement of the conditions, if any,
19 under which the fee or deposit is refundable. If the prospective
20 tenant does occupy the dwelling unit, then the landlord must credit the
21 amount of the fee or deposit to the tenant's first month's rent or to
22 the tenant's security deposit. If the prospective tenant does not
23 occupy the dwelling unit, then the landlord may keep up to the full
24 amount of any fee or deposit that was paid by the prospective tenant to
25 secure the tenancy, so long as it is in accordance with the written
26 statement of conditions furnished to the prospective tenant at the time
27 the fee or deposit was charged. A fee charged to secure a tenancy
28 under this subsection does not include any cost charged by a landlord

1 to use a tenant screening service or obtain background information on
2 a prospective tenant.

3 (3) In any action brought for a violation of this section a
4 landlord may be liable for the amount of the fee or deposit charged.
5 In addition, any landlord who violates this section may be liable to
6 the prospective tenant for an amount not to exceed one hundred dollars.
7 The prevailing party may also recover court costs and a reasonable
8 attorneys' fee.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18 RCW
10 to read as follows:

11 (1) If a landlord uses a tenant screening service, then the
12 landlord may only charge for the costs incurred for using the tenant
13 screening service under this section. If a landlord conducts his or
14 her own screening of tenants, then the landlord may charge his or her
15 actual costs in obtaining the background information, but the amount
16 may not exceed the customary costs charged by a screening service in
17 the general area. The landlord's actual costs include costs incurred
18 for long distance phone calls and for time spent calling landlords,
19 employers, and financial institutions.

20 (2) A landlord may not charge a prospective tenant for the cost of
21 obtaining background information under this section unless the landlord
22 first notifies the prospective tenant in writing of what a tenant
23 screening entails, the prospective tenant's rights to dispute the
24 accuracy of information provided by the tenant screening service or
25 provided by the entities listed on the tenant application who will be
26 contacted for information concerning the tenant, and the name and
27 address of the tenant screening service used by the landlord.

28 (3) Nothing in this section requires a landlord to disclose
29 information to a prospective tenant that was obtained from a tenant

1 screening service or from entities listed on the tenant application
2 which is not required under the federal fair credit reporting act, 15
3 U.S.C. Sec. 1681 et seq.

4 (4) Any landlord who violates this section may be liable to the
5 prospective tenant for an amount not to exceed one hundred dollars.
6 The prevailing party may also recover court costs and reasonable
7 attorneys' fees.

Passed the House March 14, 1991.

Passed the Senate April 18, 1991.

Approved by the Governor May 15, 1991.

Filed in Office of Secretary of State May 15, 1991.