
SENATE BILL 6545

State of Washington

53rd Legislature

1994 Regular Session

By Senators Nelson, Deccio, Amondson, Winsley, Moyer, Hochstatter and Prince

Read first time 01/26/94. Referred to Committee on Health & Human Services.

1 AN ACT Relating to nonpayment of rent; amending RCW 74.04.060 and
2 74.04.280; adding a new section to chapter 74.04 RCW; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.04 RCW
6 to read as follows:

7 (1) A landlord may recover unpaid rent under this section from a
8 tenant who is on public assistance if the debt is reduced to judgment
9 by a court of competent jurisdiction and notice is given under
10 subsection (2) of this section in addition to any other notice
11 requirements under law.

12 (2) The person shall be notified of the debt by either personal
13 service or certified mail, return receipt requested. Personal service,
14 return of the requested receipt, or refusal by the debtor is proof of
15 notice. The notice shall include a statement of the debt owed and a
16 statement that public assistance payments may be reduced until the debt
17 is paid. Copies of the notice shall also be served on the department
18 of social and health services.

1 (3) Upon receipt of a writ of garnishment under chapter 6.27 RCW,
2 the department shall deduct from subsequent assistance grants and pay
3 to the landlord any amounts, as determined by the court, which do not
4 exceed deductions as authorized under federal law for financial
5 assistance programs.

6 **Sec. 2.** RCW 74.04.060 and 1987 c 435 s 29 are each amended to read
7 as follows:

8 For the protection of applicants and recipients, the department and
9 the county offices and their respective officers and employees are
10 prohibited, except as hereinafter provided, from disclosing the
11 contents of any records, files, papers and communications, except for
12 purposes directly connected with the administration of the programs of
13 this title. In any judicial proceeding, except such proceeding as is
14 directly concerned with the administration of these programs, such
15 records, files, papers and communications, and their contents, shall be
16 deemed privileged communications and except for the right of any
17 individual to inquire of the office whether a named individual is a
18 recipient of welfare assistance and such person shall be entitled to an
19 affirmative or negative answer. However, upon written request of a
20 parent who has been awarded visitation rights in an action for divorce
21 or separation or any parent with legal custody of the child, the
22 department shall disclose to him or her the last known address and
23 location of his or her natural or adopted children. The secretary
24 shall adopt rules which establish procedures for disclosing the address
25 of the children and providing, when appropriate, for prior notice to
26 the custodian of the children. The notice shall state that a request
27 for disclosure has been received and will be complied with by the
28 department unless the department receives a copy of a court order which
29 enjoins the disclosure of the information or restricts or limits the
30 requesting party's right to contact or visit the other party or the
31 child. Information supplied to a parent by the department shall be
32 used only for purposes directly related to the enforcement of the
33 visitation and custody provisions of the court order of separation or
34 decree of divorce. No parent shall disclose such information to any
35 other person except for the purpose of enforcing visitation provisions
36 of the said order or decree.

37 Also, upon written request of a landlord who has a judgment for
38 unpaid rent against a tenant who is on public assistance, the

1 department shall disclose to the landlord the current address and
2 location of the person on public assistance. The secretary shall adopt
3 rules which establish procedures for disclosing the address of such
4 tenants. Information supplied to a landlord by the department shall be
5 used only for purposes directly related to the collection of unpaid
6 rent and may not be disclosed by the landlord for any other purpose.
7 The department may require the landlord to submit a certified copy of
8 the judgment establishing that rent is unpaid to the department and any
9 other information necessary to ensure proper identification of the
10 person on public assistance.

11 The county offices shall maintain monthly at their offices a report
12 showing the names and addresses of all recipients in the county
13 receiving public assistance under this title, together with the amount
14 paid to each during the preceding month.

15 The provisions of this section shall not apply to duly designated
16 representatives of approved private welfare agencies, public officials,
17 members of legislative interim committees and advisory committees when
18 performing duties directly connected with the administration of this
19 title, such as regulation and investigation directly connected
20 therewith: PROVIDED, HOWEVER, That any information so obtained by such
21 persons or groups shall be treated with such degree of confidentiality
22 as is required by the federal social security law.

23 It shall be unlawful, except as provided in this section, for any
24 person, body, association, firm, corporation or other agency to
25 solicit, publish, disclose, receive, make use of, or to authorize,
26 knowingly permit, participate in or acquiesce in the use of any lists
27 or names for commercial or political purposes of any nature. The
28 violation of this section shall be a gross misdemeanor.

29 **Sec. 3.** RCW 74.04.280 and 1959 c 26 s 74.04.280 are each amended
30 to read as follows:

31 Assistance given under this title shall not be transferable or
32 assignable at law or in equity and none of the moneys received by
33 recipients under this title shall be subject to execution, levy,
34 attachment, garnishment, or other legal process, or to the operation of
35 any bankruptcy or insolvency law, except as provided for in section 1
36 of this act.

1 NEW SECTION. **Sec. 4.** If any part of this act is found to be in
2 conflict with federal requirements that are a prescribed condition to
3 the allocation of federal funds to the state, the conflicting part of
4 this act is inoperative solely to the extent of the conflict and with
5 respect to the agencies directly affected, and this finding does not
6 affect the operation of the remainder of this act in its application to
7 the agencies concerned. The rules under this act shall meet federal
8 requirements that are a necessary condition to the receipt of federal
9 funds by the state.

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