

HOUSE BILL REPORT

SSB 5044

As Reported by House Committee On:
Judiciary

Title: An act relating to giving notice of the termination of a tenancy.

Brief Description: Giving notice of the termination of a tenancy.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Rasmussen, Roach, Winsley, Kastama and Schmidt).

Brief History:

Committee Activity:

Judiciary: 3/13/03 [DP].

Brief Summary of Substitute Bill

- Allows a tenant who is a member of the armed forces to terminate a rental agreement if the tenant receives reassignment or deployment orders.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Edie Adams (786-7180).

Background:

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between landlords and tenants, including provisions regarding the duties of tenants and landlords, remedies for violations of those duties, and prohibited actions.

A rental agreement may establish a tenancy for a specified period of time (e.g., one year) or a periodic tenancy (e.g., month to month). A tenancy for a specified time, also called a lease, is terminated at the end of the specified period. A tenant who terminates a lease prior to the end of the lease period is liable for rent until the end of the period, although the landlord is required to mitigate his or her damages by attempting to re-rent the unit at

a fair rental price. A periodic tenancy is automatically renewed for another period until terminated by either the landlord or the tenant by giving at least 20 days notice prior to the end of the period.

The Manufactured/Mobile Home Landlord-Tenant Act (MMHLTA) regulates the relationship between the owner of a mobile home park or manufactured housing community (landlord) and the owner of the mobile or manufactured home (tenant). A rental agreement under the MMHLTA is for a period of one year, unless the parties agree to a different period. The lease is automatically renewed at the end of the lease period for the term of the original agreement unless the parties agree to a different term. A tenant who does not wish to renew a rental agreement must provide at least 30 days notice prior to the end of the lease period.

The MMHLTA allows a tenant to terminate the rental agreement prior to the end of the lease upon 30 days notice whenever a change in the tenant's employment requires a change in residence. The tenant is not liable for the rental following termination unless the landlord is unable to re-rent the mobile home lot at a fair rental price after diligent and reasonable efforts to do so. If the tenant is a member of the armed forces, he or she may terminate with less than 30 days notice if the tenant receives reassignment orders that do not allow for greater notice.

Summary of Bill:

A tenant who is a member of the armed forces, or the tenant's spouse or dependant, may terminate a periodic tenancy under the RLTA without giving the required 20 days notice if the tenant receives reassignment or deployment orders that do not allow for the required notice to be given. Armed forces includes the National Guard and armed forces reserves.

A tenancy for a specified period of time may also be terminated by a tenant who receives reassignment or deployment orders. A tenant who terminates a tenancy for a specified period because of reassignment or deployment must provide notice of the reassignment or deployment order within seven days of receipt of the order.

The MMHLTA's provision allowing a member of the armed forces to terminate a tenancy because of a reassignment order are amended to: specify that the tenant's spouse or dependent may terminate the agreement; provide that armed forces includes the National Guard and armed forces reserves; provide that early termination applies to deployment orders; and require the tenant to provide notice of the reassignment or deployment order within seven days of receipt of the order.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill will help the many thousands of military families in Washington. Tenancy issues are a serious problem for military personnel who are reassigned or deployed. Military mobilization today is very different from in the past. Military members are given very short notice that they will be sent far away to defend our country. Reservists often receive only 72 hours notice to report to a mobilization station. They need the flexibility to get out of a lease when their living plans are being changed so suddenly. The bill is balanced; it requires the tenant to give as much notice as possible.

Testimony Against: None.

Testified: Senator Rasmussen, prime sponsor; Kenyon Luce, Luce, Lombigio and Riggio Law Firm; Captain Donald Sherman and Robert Carpenter, Naval Legal Service Office Northwest; Colonel Lawrence Rouse, Fort Lewis J Corps; Colonel Thomas Molloy, Fort Lewis 2122nd Garrison Training Support Brigade; and John Woodring, Rental Housing Association of Puget Sound and Washington Manufactured Housing Association.