
ENGROSSED HOUSE BILL 1645

State of Washington

58th Legislature

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By Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille

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1 AN ACT Relating to protection of victims of domestic violence,
2 sexual assault, or stalking in the rental of housing; adding new
3 sections to chapter 59.18 RCW; creating a new section; repealing RCW
4 59.18.356; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

7 (1) Domestic violence, sexual assault, and stalking are widespread
8 societal problems that have devastating effects for individual victims,
9 their children, and their communities. Victims of violence may be
10 forced to remain in unsafe situations because they are bound by
11 residential lease agreements. The legislature finds that the inability
12 of victims to terminate their rental agreements hinders or prevents
13 victims from being able to safely flee domestic violence, sexual
14 assault, or stalking. The legislature further finds that victims of
15 these crimes who do not have access to safe housing are more likely to
16 remain in or return to abusive or dangerous situations. Also, the
17 legislature finds that victims of these crimes are further victimized

1 when they are unable to obtain or retain rental housing due to their
2 history as a victim of these crimes. The legislature further finds
3 that evidence that a prospective tenant has been a victim of domestic
4 violence, sexual assault, or stalking is not relevant to the decision
5 whether to rent to that prospective tenant.

6 (2) By this act, the legislature intends to increase safety for
7 victims of domestic violence, sexual assault, and stalking by removing
8 barriers to safety and offering protection against discrimination.

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

11 The definitions in this section apply throughout this section and
12 sections 3 through 5 of this act unless the context clearly requires
13 otherwise.

14 (1) "Domestic violence" has the same meaning as set forth in RCW
15 26.50.010.

16 (2) "Sexual assault" has the same meaning as set forth in RCW
17 70.125.030.

18 (3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

19 (4) "Qualified third party" means any of the following people
20 acting in their official capacity:

21 (a) Law enforcement officers;

22 (b) Persons subject to the provisions of chapter 18.120 RCW;

23 (c) Employees of a court of the state;

24 (d) Licensed mental health professionals or other licensed
25 counselors;

26 (e) Employees of crime victim/witness programs as defined in RCW
27 7.69.020 who are trained advocates for the program; and

28 (f) Members of the clergy as defined in RCW 26.44.020.

29 (5) "Household member" means a child or adult residing with the
30 tenant other than the perpetrator of domestic violence, stalking, or
31 sexual assault.

32 (6) "Tenant screening service provider" means any nongovernmental
33 agency that provides, for a fee, background information on prospective
34 tenants to landlords.

35 (7) "Credit reporting agency" has the same meaning as set forth in
36 RCW 19.182.010(5).

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

3 (1)(a) If a tenant notifies the landlord in writing that he or she
4 or a household member was a victim of an act that constitutes a crime
5 of domestic violence, sexual assault, or stalking, and either (a)(i) or
6 (ii) of this subsection applies, then subsection (2) of this section
7 applies:

8 (i) The tenant or the household member has a valid order for
9 protection under one or more of the following: Chapter 26.50 or 26.26
10 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or
11 26.09.050; or

12 (ii) The tenant or the household member has reported the domestic
13 violence, sexual assault, or stalking to a qualified third party acting
14 in his or her official capacity and the qualified third party has
15 provided the tenant or the household member a written record of the
16 report signed by the qualified third party.

17 (b) When a copy of a valid order for protection or a written record
18 of a report signed by a qualified third party, as required under (a) of
19 this subsection, is made available to the landlord, the tenant may
20 terminate the rental agreement and quit the premises without further
21 obligation under the rental agreement or under chapter 59.12 RCW.
22 However, the request to terminate the rental agreement must occur
23 within ninety days of the reported act, event, or circumstance that
24 gave rise to the protective order or report to a qualified third party.
25 A record of the report to a qualified third party that is provided to
26 the tenant or household member shall consist of a document signed and
27 dated by the qualified third party stating: (i) That the tenant or the
28 household member notified him or her that he or she was a victim of an
29 act or acts that constitute a crime of domestic violence, sexual
30 assault, or stalking; (ii) the time and date the act or acts occurred;
31 (iii) the location where the act or acts occurred; (iv) a brief
32 description of the act or acts of domestic violence, sexual assault, or
33 stalking; and (v) that the tenant or household member informed him or
34 her of the name of the alleged perpetrator of the act or acts. The
35 record of the report provided to the tenant or household member shall
36 not include the name of the alleged perpetrator of the act or acts of
37 domestic violence, sexual assault, or stalking. The qualified third
38 party shall keep a copy of the record of the report and shall note on

1 the retained copy the name of the alleged perpetrator of the act or
2 acts of domestic violence, sexual assault, or stalking. The record of
3 the report to a qualified third party may be accomplished by completion
4 of a form provided by the qualified third party, in substantially the
5 following form:

6

7 [Name of organization, agency, clinic, professional service provider]

8 I and/or my (household member) am/is a victim of
9 ... domestic violence as defined by RCW 26.50.010.
10 ... sexual assault as defined by RCW 70.125.030.
11 ... stalking as defined by RCW 9A.46.110.

12 Briefly describe the incident of domestic violence, sexual assault, or stalking:
13

14 The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s):
15 and at the following location(s)

16 The incident(s) that I rely on in support of this declaration were committed by the following person(s):
17

18 I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

19 Dated at (city) . ., Washington, this ... day of . . . , 20. ..

20
21 Signature of Tenant or
22 Household Member

23 I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.---
24 (section 3 of this act) and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual
25 assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

26 Dated this ... day of . . . , 20. ..

27
28 Signature of authorized
29 officer/employee of
30 (Organization, agency,
31 clinic, professional
32 service provider)

33 (2) A tenant who terminates a rental agreement under this section
34 is discharged from the payment of rent for any period following the
35 last day of the month of the quitting date. The tenant shall remain
36 liable for the rent for the month in which he or she terminated the
37 rental agreement unless the termination is in accordance with RCW

1 59.18.200(1). Notwithstanding lease provisions that allow for
2 forfeiture of a deposit for early termination, a tenant who terminates
3 under this section is entitled to the return of the full deposit,
4 subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties
5 to the rental agreement, except household members who are the victims
6 of sexual assault, stalking, or domestic violence, are not released
7 from their obligations under the rental agreement or other obligations
8 under this chapter.

9 (3) The provision of verification of a report under subsection
10 (1)(b) of this section does not waive the confidential or privileged
11 nature of the communication between a victim of domestic violence,
12 sexual assault, or stalking with a qualified third party pursuant to
13 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
14 obtained from such disclosure may be used in any civil, administrative,
15 or criminal proceeding against the victim unless a written waiver of
16 applicable evidentiary privilege is obtained, except that the
17 verification itself, and no other privileged information, under
18 subsection (1)(b) of this section may be used in civil proceedings
19 brought under this section.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.18 RCW
21 to read as follows:

22 (1) A landlord may not terminate a tenancy, fail to renew a
23 tenancy, or refuse to enter into a rental agreement based on the
24 tenant's or applicant's or a household member's status as a victim of
25 domestic violence, sexual assault, or stalking, or based on the tenant
26 or applicant having terminated a rental agreement under section 2 of
27 this act.

28 (2) A landlord who refuses to enter into a rental agreement in
29 violation of this section may be liable to the tenant or applicant in
30 a civil action for damages sustained by the tenant or applicant. The
31 prevailing party may also recover court costs and reasonable attorneys'
32 fees.

33 (3) It is a defense to an unlawful detainer action under chapter
34 59.12 RCW that the action to remove the tenant and recover possession
35 of the premises is in violation of subsection (1) of this section.

36 (4) This section does not prohibit adverse housing decisions based
37 upon other lawful factors within the landlord's knowledge.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 59.18 RCW
2 to read as follows:

3 (1) A tenant screening service provider or credit reporting agency
4 shall not include information about a prospective tenant or household
5 member in a written or oral report to a landlord pertaining to the fact
6 that the subject of the report is a victim of domestic violence, sexual
7 assault, or stalking, and/or protected by a court order, including but
8 not limited to: Orders entered under chapters 26.50, 9A.46, 10.14,
9 10.99, 26.09, and 26.26 RCW.

10 (2) A tenant screening service provider or credit reporting agency
11 who violates this section may be liable in a civil action for damages
12 sustained by the subject of the report. The prevailing party may
13 recover court costs and reasonable attorneys' fees.

14 (3) The legislature finds that the practices covered by this
15 section are matters vitally affecting the public interest for the
16 purpose of applying the consumer protection act, chapter 19.86 RCW. A
17 violation of this section is not reasonable in relation to the
18 development and preservation of business and is an unfair or deceptive
19 act in trade or commerce and an unfair method of competition for the
20 purpose of applying the consumer protection act, chapter 19.86 RCW.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 59.18 RCW
22 to read as follows:

23 (1) A tenant who has obtained a court order from a court of
24 competent jurisdiction granting him or her possession of a dwelling
25 unit to the exclusion of one or more cotenants may request that a lock
26 be replaced or configured for a new key at the tenant's expense. The
27 landlord shall, if provided a copy of the order, comply with the
28 request and shall not provide copies of the new keys to the tenant
29 restrained or excluded by the court's order. This section does not
30 release a cotenant, other than a household member who is the victim of
31 domestic violence, sexual assault, or stalking, from liability or
32 obligations under the rental agreement.

33 (2) A landlord who replaces a lock or configures for a new key of
34 a residential housing unit in accordance with subsection (1) of this
35 section shall be held harmless from liability for any damages that
36 result directly from the lock change.

1 NEW SECTION. **Sec. 7.** RCW 59.18.356 (Threatening behavior--
2 Violation of order for protection--Termination of agreement--Financial
3 obligations) and 1992 c 38 s 7 are each repealed.

4 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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