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**SUBSTITUTE SENATE BILL 6572**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senator Hargrove)

READ FIRST TIME 02/03/06.

1       AN ACT Relating to the unlawful detainer process under the  
2 residential landlord-tenant act; and amending RCW 59.18.365 and  
3 59.18.375.

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

5       **Sec. 1.** RCW 59.18.365 and 2005 c 130 s 3 are each amended to read  
6 as follows:

7       (1) The summons must contain the names of the parties to the  
8 proceeding, the attorney or attorneys if any, the court in which the  
9 same is brought, the nature of the action, in concise terms, and the  
10 relief sought, and also the return day; and must notify the defendant  
11 to appear and answer within the time designated or that the relief  
12 sought will be taken against him or her. The summons must contain a  
13 street address for service of the notice of appearance or answer and,  
14 if available, a facsimile number for the plaintiff or the plaintiff's  
15 attorney, if represented. The summons must be served and returned in  
16 the same manner as a summons in other actions is served and returned.

17       (2) A defendant may serve a copy of an answer or notice of  
18 appearance, and if required by the summons, the sworn statement

1 regarding nonpayment of rent described in RCW 59.18.375, by any of the  
2 following methods:

3 (a) By delivering a copy of the answer or notice of appearance to  
4 the person who signed the summons at the street address listed on the  
5 summons;

6 (b) By mailing a copy of the answer or notice of appearance  
7 addressed to the person who signed the summons to the street address  
8 listed on the summons;

9 (c) By facsimile to the facsimile number listed on the summons.  
10 Service by facsimile is complete upon successful transmission to the  
11 facsimile number listed upon the summons;

12 (d) As otherwise authorized by the superior court civil rules.

13 (3) The summons for unlawful detainer actions for tenancies covered  
14 by this chapter shall be substantially in the following form. In  
15 unlawful detainer actions based on nonpayment of rent, the summons may  
16 contain the provisions authorized by RCW 59.18.375.

17 IN THE SUPERIOR COURT OF THE  
18 STATE OF WASHINGTON IN AND FOR . . . . . COUNTY

19 Plaintiff, } NO.  
20 }  
21 vs. } EVICTION SUMMONS  
22 } (Residential)  
23 Defendant.

24 THIS IS NOTICE OF A LAWSUIT TO EVICT YOU.  
25 PLEASE READ IT CAREFULLY. THE DEADLINE FOR YOUR WRITTEN  
26 RESPONSE IS: 5:00 p.m., on . . . . .

27 TO: . . . . . (Name)  
28 . . . . . (Address)

29 This is notice of a lawsuit to evict you from the property which  
30 you are renting. Your landlord is asking the court to terminate your  
31 tenancy, direct the sheriff to remove you and your belongings from the  
32 property, enter a money judgment against you for unpaid rent and/or  
33 damages for your use of the property, and for court costs and  
34 attorneys' fees.

35 If you want to defend yourself in this lawsuit, you must respond to

1 the eviction complaint in writing on or before the deadline stated  
2 above. You must respond in writing even if no case number has been  
3 assigned by the court yet.

4 You can respond to the complaint in writing by delivering a copy of  
5 a notice of appearance or answer(~~(, and if required by this summons, a~~  
6 ~~sworn statement regarding nonpayment of rent,~~) to your landlord's  
7 attorney (or your landlord if there is no attorney) by personal  
8 delivery, mailing, or facsimile to the address or facsimile number  
9 stated below **TO BE RECEIVED NO LATER THAN THE DEADLINE STATED ABOVE.**  
10 Service by facsimile is complete upon successful transmission to the  
11 facsimile number, if any, listed in the summons.

12 The notice of appearance or answer must include the name of this  
13 case (plaintiff(s) and defendant(s)), your name, the street address  
14 where further legal papers may be sent, your telephone number (if any),  
15 and your signature.

16 If there is a number on the upper right side of the eviction  
17 summons and complaint, you must also file your original notice of  
18 appearance or answer with the court clerk by the deadline for your  
19 written response.

20 You may demand that the plaintiff file this lawsuit with the court.  
21 If you do so, the demand must be in writing and must be served upon the  
22 person signing the summons. Within fourteen days after you serve the  
23 demand, the plaintiff must file this lawsuit with the court, or the  
24 service on you of this summons and complaint will be void.

25 If you wish to seek the advice of an attorney in this matter, you  
26 should do so promptly so that your written response, if any, may be  
27 served on time.

28 You may also be instructed in a separate order to appear for a  
29 court hearing on your eviction. If you receive an order to show cause  
30 you must personally appear at the hearing on the date indicated in the  
31 order to show cause **IN ADDITION** to delivering and filing your notice of  
32 appearance or answer by the deadline stated above.

33 IF YOU DO NOT RESPOND TO THE COMPLAINT IN WRITING BY THE  
34 DEADLINE STATED ABOVE YOU WILL LOSE BY DEFAULT. YOUR LANDLORD  
35 MAY PROCEED WITH THE LAWSUIT, EVEN IF YOU HAVE MOVED OUT OF THE  
36 PROPERTY.

37 The notice of appearance or answer must be delivered to:

1 .....  
2 Name  
3 .....  
4 Street Address  
5 .....  
6 Telephone Number  
7 .....  
8 Facsimile Number (Required  
9 if Available)

10 **Sec. 2.** RCW 59.18.375 and 1983 c 264 s 13 are each amended to read  
11 as follows:

12 (1) The remedies provided by this section are in addition to other  
13 remedies provided by this chapter.

14 (2) In an action of forcible entry, detainer, or unlawful detainer,  
15 commenced under this chapter which is based upon nonpayment of rent as  
16 provided in RCW 59.12.030(3), the defendant shall pay into the court  
17 registry the amount alleged due in the complaint and continue to pay  
18 into the court registry the monthly rent as it becomes due under the  
19 terms of the rental agreement while the action is pending. If the  
20 defendant submits to the court a written statement signed and sworn  
21 under penalty of perjury denying that the rent alleged due in the  
22 complaint is owing based upon a legal or equitable defense or set-off  
23 arising out of the tenancy, such payment shall not be required.

24 (3) A defendant must comply with subsection (2) of this section  
25 within seven days after completed service of a filed summons and  
26 complaint or, in the case of service of an unfiled summons and  
27 complaint, seven days after delivering written notice to the defendant,  
28 in the manner provided in RCW 59.12.040, advising the defendant of the  
29 date of filing, the cause number for the action, and the date by which  
30 the defendant must comply with this section to avoid the immediate  
31 issuance of a writ of restitution. Failure of the defendant to comply  
32 with this section shall be grounds for the immediate issuance of a writ  
33 of restitution without bond directing the sheriff to deliver possession  
34 of the premises to the plaintiff. Issuance of a writ of restitution  
35 under this section shall not affect the defendant's right to a hearing  
36 to contest the amount of rent alleged to be due.

1 (4) The defendant shall send written notice that the rent has been  
2 paid into the court registry or send a copy of the sworn statement  
3 referred to in subsection (2) of this section to the ((address of the))  
4 person whose name is signed on the unlawful detainer summons. A  
5 defendant may serve the written notice or a copy of the sworn statement  
6 by any of the methods described in RCW 59.18.365.

7 (5) Before applying to the court for a writ of restitution under  
8 this section, the plaintiff must check with the clerk of the court to  
9 determine if the defendant has complied with subsection (2) of this  
10 section.

11 (6) If the plaintiff intends to use the procedures in this section,  
12 the summons must contain notice to the defendant of the payment  
13 requirements of this section and be substantially in the following  
14 form:

15 NOTICE

16 This unlawful detainer action is based upon nonpayment of rent in an  
17 amount alleged to be \$. . . . . The plaintiff is entitled to an  
18 order from the court directing the sheriff to evict you without a  
19 hearing unless you pay into the court registry the amount of delinquent  
20 rent alleged to be due in the complaint and continue paying into the  
21 court registry the monthly rent as it becomes due while this lawsuit is  
22 pending. If you deny that you owe the rent claimed to be due and you  
23 do not want to be evicted immediately without a hearing, you must file  
24 with the clerk of the court a written statement signed and sworn under  
25 penalty of perjury setting forth why you do not owe the amount claimed  
26 in the complaint to be due. The sworn statement must be filed IN  
27 ADDITION TO your written answer to the complaint.

28 Payment or the sworn statement must be submitted to the clerk of  
29 the superior court within seven days after you have been served with  
30 this summons or, if the summons has not yet been filed, within seven  
31 days after service of written notice that the lawsuit has been filed.

32 You must also deliver written notice that the rent has been paid  
33 into the court registry or send a copy of your sworn statement to the  
34 person whose signature appears below by personal delivery, mail, or  
35 facsimile.

36 This complaint:

37 ( ) is filed with the superior court;

1 ( ) is not filed. The plaintiff must notify you in writing when it is  
2 filed.

3 IMPORTANT

4 If you intend to contest this action, you must also file a written  
5 answer as indicated above on this summons.

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