

# HOUSE BILL REPORT

## HB 1800

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to tenants of real property.

**Brief Description:** Revising provisions affecting tenants of real property.

**Sponsors:** Representatives Lovick, Warnick, Grant, Crouse, Kessler, Rolfes and Moeller.

**Brief History:**

**Committee Activity:**

Judiciary: 2/13/07, 2/27/07 [DPS].

**Brief Summary of Substitute Bill**

- Imposes a duty on a tenant under the Residential Landlord Tenant Act to not knowingly provide false, inaccurate, or misleading information during the application process for tenancy.
- Provides that the tenant is subject to unlawful detainer if the tenant knowingly provides false, inaccurate, or misleading information and the landlord serves the tenant, either within 45 days of the landlord discovering the information or before the end of one year from the time the landlord approved the tenancy, whichever is sooner, with a 10-day written notice to quit the premises.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

**Staff:** Trudes Tango (786-7384).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Residential Landlord-Tenant Act (RLTA) governs the relationship between landlords and tenants of residential dwelling units, establishes the duties and liabilities of the parties, and provides procedures for each side to enforce its rights. A tenant's duties include, for example, the duty to keep the premises clean, not intentionally destroy property, maintain smoke detector devices, and not engage in certain activity that is dangerous to others.

The landlord may terminate a tenancy if there has been a substantial noncompliance with the tenant's duties. The landlord must give the tenant written notice before termination and, depending upon the circumstances, allow the tenant time to come into compliance. The type of written notice depends on the reason for termination. For example, if the tenant fails to pay rent, the landlord must serve the tenant with a three-day notice to pay or vacate. If the tenant is not complying with an agreement in the lease, the landlord must serve a 10-day notice. If the tenant does not comply and continues to be in possession of the property, the tenant may be guilty of unlawful detainer.

An unlawful detainer action is a court procedure to evict a tenant who remains on the rental premises beyond the time he or she is required to leave. The landlord must serve the tenant with a summons and complaint, which must designate a specific date by which the tenant must respond. The landlord may also request a show cause hearing directing the tenant to appear in court and show why a writ of restitution (an order directing the sheriff to physically evict the tenant) should not be issued. The court will examine the parties at the show cause hearing and ascertain whether the landlord has the right to be restored to possession of the property. Once a writ of restitution is ordered, the sheriff has a certain amount of time to physically evict the tenant.

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### **Summary of Substitute Bill:**

The tenant has a duty not to knowingly provide false, inaccurate, or misleading information during the application process for tenancy. The tenant is guilty of unlawful detainer when he or she continues in possession of the premises after the landlord has discovered the tenant provided false, inaccurate, or misleading information that induced the landlord to approve the tenancy and the landlord serves the tenant with a 10-day notice to quit the premises. The landlord must serve the notice either within 45 days of discovering the false, inaccurate, or misleading information or before the end of one year from the time the landlord approved the tenancy, whichever is sooner.

### **Substitute Bill Compared to Original Bill:**

The original bill: (a) did not have a knowledge requirement; and (b) made the tenant guilty of unlawful detainer when the tenant provides a material misstatement in the application that induces the landlord to approve the tenancy and the landlord discovers and acts upon the misstatement within one year of the time the tenant began paying rent. The original bill did not require the landlord to serve a written notice on the tenant and did not require the landlord to act within 45 days of discovery.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) If a landlord bases his decision on information in the application that is inaccurate, the landlord should be able to remove that tenant. The language in the bill is taken from the Mobile Home Landlord Tenant Act, which generally gives greater protection to tenants. The bill is aimed at tenants who provide fake names, fake social security numbers, fake dates of birth, and fake references. It is not uncommon for tenants to stage false landlord references. The issue is one of materiality and this bill doesn't allow a landlord to bring an unlawful detainer action for just anything. The court will be the gatekeeper and not allow frivolous suits. Landlords do not want to evict tenants if they don't have to. There are risk and costs associated with eviction. This bill will bring the Residential Landlord-Tenant Act in line with the Mobile Home Landlord Tenant Act. Landlords are harmed when the tenant is not who he or she claims to be and landlords are not able to really know the tenant's history.

(Opposed) Landlords can protect themselves by writing provisions addressing this issue in their leases. The bill goes too far. It should be amended to protect tenants who don't engage in fraud and who are not intentionally misleading. The landlord should be required to show harm and to show that if the landlord had the correct information the landlord would have denied the tenancy. The landlord should be required to take action within a timely manner and not be able to wait for a year. The bill does not provide any notice to the tenant that the tenant is in unlawful detainer. In every other situation, the landlord must give the tenant a certain amount of notice. The difference between the Mobile Home Landlord Tenant Act and this act is that mobile home tenants have the opportunity to enter in a one-year lease, and the landlord can only evict a tenant for cause. Under the Residential Landlord-Tenant Act, the landlord can evict a tenant without cause, except in some cities. Tenancies are usually month-to-month, and the tenant has no right to insist on a six-month or one-year lease. Tenants' misstatements do not rise to the level of concern like criminal behavior or nonpayment of rent.

**Persons Testifying:** (In support) Representative Lovick, prime sponsor; and Eric Steven, Washington Apartment Association.

(Opposed) Greg Provenzano, Columbia Legal Services; and Pat Tassoni, Thurston County Tenants Union.

**Persons Signed In To Testify But Not Testifying:** None.