
Judiciary Committee

HB 2484

Title: An act relating to the termination of month to month or other periodic tenancies governed by the residential landlord-tenant act.

Brief Description: Addressing the termination of month to month or other periodic tenancies governed by the residential landlord-tenant act.

Sponsors: Representatives Roberts, Nelson, Darneille, Pedersen, Green, Miloscia, Hunt, Ormsby and Flannigan.

Brief Summary of Bill

- Allows a tenant to terminate a periodic tenancy by 30 days notice prior to the proposed termination date.
- With exceptions, requires a landlord who plans to terminate a periodic tenancy without cause to provide at least 30 days notice if the tenant has resided in the dwelling for less than 12 months and at least 60 days notice if the tenant has resided in the dwelling for 12 months or more.
- Requires a landlord to prorate rent and refund any prepaid rent when the tenancy is terminated other than at the end of the rental agreement.

Hearing Date: 1/13/10

Staff: Edie Adams (786-7180).

Background:

Under the Residential Landlord-Tenant Act (RLTA), 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 periodic tenancy is automatically renewed until terminated by either the tenant or the landlord according to statutory notice requirements.

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.

A landlord must have cause to evict a tenant prior to the termination of a rental agreement. The causes that allow such evictions include: failure to pay rent; failure to comply with the terms of the rental agreement; failure to maintain the property or allowing damage to the property; permitting a nuisance on the property; and allowing illegal drug or other criminal activity on the property. Under the Unlawful Detainer Act, a landlord is required to provide certain notices concerning the basis for terminating a rental agreement for cause before instituting an eviction proceeding. These notices must be served either by: (1) personal service; (2) if the person is absent, by leaving a copy with someone of suitable age and discretion and mailing a copy to the person's place of residence; or (3) if no one is present at the premises, by posting a copy of the notice at the premises and mailing a copy to the tenant.

With respect to a periodic lease, state law does not require that a landlord have cause to terminate the tenancy. The landlord may terminate the tenancy by providing notice of the termination at least 20 days prior to the end of the period of tenancy. Likewise, the tenant may terminate a periodic tenancy by providing notice at least 20 days prior to the end of the period of tenancy.

Some jurisdictions provide greater protections for tenants. For example, the City of Seattle has adopted a local ordinance that prevents any eviction without just cause. The just-cause requirement applies to all evictions, even those at the end of a month-to-month lease. Grounds that may serve as just cause include any breach of the tenant's duties under the RLTA, or the landlord's desire to use the premises for his or her immediate family members, to demolish the premises, or to convert the premises to another use. In addition, landlords who participate in public housing programs are generally prohibited from evicting tenants without good cause.

Summary of Bill:

Notice and other requirements for the termination of month-to-month and other periodic tenancies are revised.

Tenant Notice Requirements

A tenant may terminate a periodic tenancy by providing the landlord with written notice of at least 30 days prior to the proposed termination date. If a landlord has served the tenant with written notice announcing a new rule of tenancy, the tenant may terminate the rental agreement with written notice of at least 20 days prior to the effective date of the new rule.

Landlord Notice Requirements

Except as prohibited by law or the rental agreement, a landlord may terminate a rental agreement by written notice at least 30 days prior to the proposed termination date if the tenant has occupied the dwelling unit for less than 12 months, and by 60 days notice prior to the proposed termination date if the tenant has occupied the dwelling unit for 12 months or more.

If the landlord has contracted to sell the dwelling to a bona fide purchaser who, in good faith, intends to occupy the dwelling as a primary residence for at least one year, the landlord may terminate a rental agreement with 30 days notice prior to the proposed termination date, even if the tenant has resided in the dwelling for 12 months or more.

A landlord who is prohibited by the rental agreement or federal, state, or local law from terminating the tenancy without good cause may terminate a rental agreement by written notice at least 30 days prior to the proposed termination date or as allowed under the unlawful detainer laws.

Prorated and Prepaid Rent

When a rental agreement is terminated other than at the end of the rental period, the parties must prorate the rent for the partial rental period. A tenant who has prepaid rent is entitled to a pro rata refund of the prepaid rent and a landlord may not terminate a rental agreement other than at the end of the rental period unless the landlord refunds any excess prepaid rent within 10 days of service of the notice of termination.

Other Provisions

A landlord serving a written notice of termination of a periodic tenancy must comply with the service of notice requirements under the Unlawful Detainer Act.

A person who holds over or continues in possession of a dwelling, either in person or by sub-tenant, after the termination of the tenancy is guilty of unlawful detainer.

Appropriation: None.

Fiscal Note: Not requested.

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