

# HOUSE BILL REPORT

## HB 2484

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### As Reported by House Committee On: Judiciary

**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 History:**

##### **Committee Activity:**

Judiciary: 1/13/10, 1/21/10 [DPS].

#### **Brief Summary of Substitute Bill**

- Changes the required notice for termination of a periodic tenancy to 30 days or more prior to the end of the period of tenancy.
- Allows a tenant to terminate a tenancy with 20-day notice when a landlord establishes a new rule of tenancy.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan, Kelley, Kirby, Ormsby and Roberts.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross.

**Staff:** Edie Adams (786-7180).

#### **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.*

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.

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.

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.

A tenant must comply with reasonable rules and regulations concerning the occupation and maintenance of a dwelling if they are brought to the attention of the tenant at the time of initial occupancy of the dwelling. A landlord may change the rules of the tenancy by providing the tenant with a 30-day written notice of the new rules, and the new rules become effective at the end of the term of the rental agreement.

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

Notice requirements for the termination of month-to-month and other periodic tenancies are revised. A landlord or tenant may terminate a periodic tenancy with written notice at least 30 days prior to the end of the period of tenancy. 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 at least 20 days prior to the effective date of the new rule.

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

The original bill allows a periodic tenancy to be terminated on any day of the month with at least 30 days prior notice, except that if the tenant has resided in the dwelling for 12 months or more, the landlord is required to provide at least 60 days prior notice (with exceptions). The original bill requires a landlord to prorate rent and refund excess pre-paid rent when the tenancy is terminated other than at the end of the rental agreement. The original bill also included provisions relating to: notice requirements for landlords who are prohibited from terminating a tenancy without good cause; and requirements for service of termination notices by landlords.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This bill will provide greater fairness for landlords and tenants. Washington is one of only 10 states that provide less than 30 days notice. Tenants do receive no-cause notices to vacate. The 20-day notice is too short to allow people to find alternative housing and collect the resources necessary to move, especially in these difficult economic times. This increases the risk of homelessness for some tenants. The 60-day notice applies only where the tenant has been in the unit for a year or more and has a demonstrated track record of being a responsible tenant. The bill does not do away with the right of a landlord to give the short-term notices of termination where the tenant is not paying rent or is violating other rules of the rental agreement.

(Opposed) Landlords terminate tenancies when there are problems with the resident. This bill punishes the good residents who are complying with the rules. They will be forced to endure bad behavior and this will especially impact low-income residents who cannot afford to pack up and leave. The 60-day notice will make it more difficult, time-consuming, and expensive for affordable housing providers to deal with the occasional troubled resident who needs to be relocated to other housing for the benefit of entire resident population. The impact of requiring a 60-day notice will be to force landlords to start collecting last month's rent or increase the security deposit when the tenant reaches 12 months of tenancy. This will have an adverse impact on low-income residents who will not have the resources needed to get into a rental. The 30-day notice provision is fine but the 60-day notice provision is very problematic. The bill only addresses a small part of the problem. The legislation should address the entire law to provide effective mechanisms for evicting problem tenants.

**Persons Testifying:** (In support) Representative Roberts, prime sponsor; Seth Dawson, Washington State Coalition for the Homeless and National Alliance for Mental Illness; Greg Provenzano, Columbia Legal Services; Alouise Urness, Tenant's Union of Washington; and Michael Mirra, Association of Washington Housing Authorities.

(Opposed) Julie Johnson, Rental Housing Association; Joe Puckett, Washington Multi-Family Housing Association; Tim Seth, Washington Landlord Association's Tenant Association; Shawn Slape, Mercy Housing; Jan Tuttle, Capitol Terrace Apartments and Iliad Apartments; Ron Newbry, Yakima Valley Landlord's Association; and Bill Austin, Epic Asset Management.

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