

HB 1633 - H AMD 163

By Representative Riccelli

NOT CONSIDERED 01/05/2018

1 Strike everything after the enacting clause and insert the  
2 following:

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

5 (1) A landlord may not, based on the source of income of an  
6 otherwise eligible applicant or tenant:

7 (a) Refuse to lease or rent any real property to an applicant,  
8 unless the applicant's source of income is conditioned on the real  
9 property passing inspection, and the written estimate of the cost of  
10 improvements necessary to pass inspection is six times the monthly  
11 rent of the real property;

12 (b) Expel a tenant from any real property;

13 (c) Make any distinction, discrimination, or restriction against  
14 an applicant or tenant in the price, terms, conditions, or privileges  
15 relating to the rental, lease, or occupancy of real property or in  
16 the furnishing of any facilities or services in connection with the  
17 rental, lease, or occupancy of real property;

18 (d) Attempt to discourage the rental or lease of any real  
19 property to an applicant;

20 (e) Assist, induce, incite, or coerce another person to commit an  
21 act or engage in a practice that violates this section;

22 (f) Coerce, intimidate, threaten, or interfere with any person in  
23 the exercise or enjoyment of, or on account of the person having  
24 exercised or enjoyed or having aided or encouraged any other person  
25 in the exercise or enjoyment of, any right granted or protected under  
26 this section;

27 (g) Represent to a person that a dwelling unit is not available  
28 for rental when the dwelling unit in fact is available for rental; or

29 (h) Otherwise make unavailable or deny a dwelling unit to an  
30 applicant that, but for his or her source of income, would be  
31 eligible to rent real property.

1 (2) A landlord may not, based on the source of income of an  
2 otherwise eligible applicant or tenant, publish, circulate, issue, or  
3 display, or cause to be published, circulated, issued, or displayed,  
4 any communication, notice, advertisement, or sign of any kind  
5 relating to the rental or lease of real property that indicates any  
6 source of income. This subsection applies to all landlords regardless  
7 of the number of rental properties they own in this state.

8 (3) If a landlord requires that an applicant have a certain  
9 threshold level of income, any source of income in the form of a rent  
10 voucher or subsidy must be subtracted from the total of the monthly  
11 rent prior to calculating if the income criteria have been met.

12 (4) Except as provided in subsection (2) of this section, this  
13 section does not apply to a landlord who certifies in writing that he  
14 or she owns four or fewer rental properties in this state. A landlord  
15 claiming this exemption must certify in writing that he or she owns  
16 four or fewer rental properties in this state upon request from a  
17 prospective tenant, a housing authority, a regulatory entity, or  
18 other person with a legitimate business, housing, or enforcement  
19 interest.

20 (5) This section does not limit the applicability of any  
21 reasonable local, state, or federal restrictions regarding the  
22 maximum number of occupants permitted to occupy a dwelling unit.

23 (6) A person in violation of this section may be held liable in a  
24 civil action for six times the monthly rent of the real property at  
25 issue. The prevailing party may also recover court costs and  
26 reasonable attorneys' fees.

27 (7) As used in this section:

28 (a) "Source of income" includes income, benefits, and subsidies  
29 derived from the following federal sources and federal programs:  
30 Social security, social security disability insurance, supplemental  
31 security income, veterans compensation for service-connected  
32 disability, veterans pension for nonservice-connected disability,  
33 HOME tenant-based rental assistance, housing opportunities for  
34 persons with AIDS, bureau of Indian affairs financial assistance and  
35 social services, refugee cash assistance through the refugee and  
36 entrant assistance program, and all section 8 housing choice voucher  
37 programs, including the housing and urban development veterans  
38 affairs supportive housing program.

39 (b) "Source of income" does not include income derived in an  
40 illegal manner.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 43.31  
2 RCW to read as follows:

3        (1) Subject to the availability of funds for this purpose, the  
4 department of commerce shall maintain a landlord mitigation fund for  
5 the cost of damages that may be caused to private market units  
6 renting to tenants using a source of income specified in section 1(7)  
7 of this act.

8        (2) In order to be eligible for reimbursement from the landlord  
9 mitigation fund, a landlord must first obtain a court judgment  
10 against a tenant from the county in which the property is located.

11        (3) A reimbursement claim must be submitted to the department of  
12 commerce within one year of obtaining a judgment against a tenant.  
13 Reimbursement is allowed only for amounts related to property damage,  
14 unpaid rent, and other damages caused as a result of the tenant's  
15 occupancy. Damages must exceed normal wear and tear on the property  
16 and be in excess of five hundred dollars. Damages may exceed five  
17 thousand dollars, but reimbursement may not exceed five thousand  
18 dollars per tenancy."

19        Correct the title.

EFFECT:    Makes the following changes and additions to the  
underlying bill:

(1) Provides an exemption for landlords who certify in writing  
that they own four or fewer rental properties in Washington. A  
landlord claiming this exemption must certify in writing that he or  
she owns four or fewer rental properties in this state upon request  
from persons with legitimate business, housing, or enforcement  
interests.

(2) Prevents all landlords, regardless of the number of rental  
properties they own, from publishing, circulating, issuing, or  
displaying, or causing to be published, circulated, issued, or  
displayed, any communication, notice, advertisement, or sign of any  
kind relating to the rental or lease of real property that indicates  
any source of income.

(3) Limits "source of income" to income, benefits, and subsidies  
derived from specified federal sources and federal programs.

(4) Provides that landlords may refuse to lease or rent real  
property if an applicant's source of income is conditioned on the  
real property passing inspection, and according to a written  
estimate, the cost of improvements necessary to pass inspection is  
six times the monthly rent of the real property.

(5) Provides that a person in violation of the bill may be held  
liable in a civil action for six times the monthly rent of the real  
property at issue, rather than for up to treble the damages sustained  
by the tenant or applicant.

(6) Requires, subject to the availability of funds, the  
Department of Commerce to maintain a landlord mitigation fund for the

cost of damages that may be caused to private market units renting to tenants using a source of income specified in the bill.

(7) Requires a landlord to obtain a court judgment against a tenant prior to becoming eligible for reimbursement from the landlord mitigation fund.

(8) Specifies that a landlord must seek reimbursement from the landlord mitigation fund within one year of obtaining a judgment against a tenant. Reimbursement is allowed only for amounts related to property damage, unpaid rent, and other damages resulting from the tenant's occupancy. Damages must exceed normal wear and tear on the property and be in excess of 500 dollars. Damages may exceed 5,000 dollars, but reimbursement may not exceed 5,000 dollars per tenancy.

--- END ---