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**HOUSE BILL 1463**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Barkis, Reeves, Kirby, Jenkin, Walsh, Stokesbary, Gildon, Chambers, Griffey, Dye, Hoff, Vick, Volz, and Irwin

AN ACT Relating to changing notice requirements with respect to tenancies in order to enhance stability for tenants; amending RCW 59.12.030; adding new sections to chapter 59.18 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) The state of Washington is experiencing a housing shortage that causes costs to rise in rental housing;

(b) The shortage of housing in Washington state is most often due to restrictive local zoning codes that prevent development of otherwise useful land for multifamily housing;

(c) The cost of living continues to rise across Washington state, but wages are not concurrently rising with the cost of living;

(d) Eviction due to nonpayment of rent is the leading cause of unlawful detainer actions across Washington state;

(e) Financial resources often exist within the community to assist tenants with temporary financial assistance when tenants cannot pay their rent;

(f) Many tenants are unnecessarily brought into the unlawful detainer process due to a lack of knowledge of residential landlord tenant laws and unfamiliarity with how to access available informational and financial resources.

(2) In order to provide additional stability and resources to tenants, the legislature intends to provide additional time for tenants to comply with terms of the rental agreement. The legislature further intends to create a compilation of tenant resources to allow tenants easier access to the tools available to keep them housed.

**Sec.**  RCW 59.12.030 and 1998 c 276 s 6 are each amended to read as follows:

A tenant of real property for a term less than life is guilty of unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall be terminated without notice at the expiration of the specified term or period;

(2) When he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than twenty days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period;

(3) When he or she continues in possession in person or by subtenant after a default in the payment of rent or other charges specified in the rental agreement, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) in behalf of the person entitled to the rent upon the person owing it, has remained uncomplied with for the period of three days after service thereof, or five days after service for tenancies under chapter 59.18 RCW. The notice may be served at any time after the rent becomes due;

(4) When he or she continues in possession in person or by subtenant after a neglect or failure to keep or perform any other condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him or her, and if there is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplied with for ten days after service thereof, or five days after service for tenancies under chapter 59.18 RCW. Within ten days after the service of such notice, or five days after service for tenancies under chapter 59.18 RCW, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture;

(5) When he or she commits or permits waste upon the demised premises, or when he or she sets up or carries on thereon any unlawful business, or when he or she erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him or her of three days' notice to quit, or five days' notice for tenancies under chapter 59.18 RCW;

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, or five days' notice for tenancies under chapter 59.18 RCW, in writing and served upon him or her in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW; or

(7) When he or she commits or permits any gang-related activity at the premises as prohibited by RCW 59.18.130.

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

(1) The department of commerce shall maintain a housing information guide for tenants and owners in English and Spanish and, at the discretion of the department, other languages. The guide shall be available on the department's web site, and shall be available in printed form upon request.

(2) The guide maintained pursuant to this section must include information regarding:

(a) The variety of duties and responsibilities of landlords as set forth in this chapter, including: Maintenance responsibilities and duties to remedy defective conditions; notice requirements, including information specific to notices to terminate a tenancy and to increase rent; and prohibitions on discrimination on the basis of source of income and in retaliation;

(b) The variety of duties and responsibilities of tenants as set forth in this chapter, including: The time frames for responding to various notices; the duty to not unreasonably withhold consent to the landlord to make repairs or supply necessary or agreed services; and duties to maintain smoke detection devices and not to permit nuisance or common waste;

(c) The availability of any free and low-cost legal services; and

(d) Other topics deemed relevant by the department.

(3) The landlord shall provide a copy of the guide to each tenant at the commencement of the tenancy.

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

(1) Every notice served pursuant to RCW 59.12.030 shall be accompanied by a "Notice to Tenants" that shall be in substantially the following form:

NOTICE TO TENANTS

You are receiving the attached notice because the landlord alleges you have failed to comply with the terms of the lease agreement, which may include a failure to pay rent and other charges.

You may want to consult the guide maintained by the department of commerce on its web site pursuant to section 3 of this act, which contains information regarding:

(a) The variety of duties and responsibilities of landlords as set forth in chapter 59.18 RCW, including: Maintenance responsibilities and duties to remedy defective conditions; notice requirements, including information specific to notices to terminate a tenancy and to increase rent; and prohibitions on discrimination on the basis of source of income and retaliation;

(b) The variety of duties and responsibilities of tenants as set forth in chapter 59.18 RCW, including: The time frames for responding to various notices; the duty to not unreasonably withhold consent to the landlord to make repairs or supply necessary or agreed services; and duties to maintain smoke detection devices and not to permit nuisance or common waste;

(c) The availability of any free and low-cost legal services; and

(d) Other topics deemed relevant by the department of commerce.

(2) Failure to provide the notice required in subsection (1) of this section is not grounds for dismissal of an unlawful detainer action. A court may grant a continuance in an unlawful detainer action to give the landlord time to provide the notice.

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