
Civil Rights & Judiciary Committee

HB 1462

Brief Description: Providing notice of plans to demolish, substantially rehabilitate, or change use of residential premises.

Sponsors: Representatives Barkis, Reeves, Kirby, Riccelli, Jenkin, Stokesbary, Gildon, Walsh, Chambers, Dye, Hoff, Volz and Irwin.

Brief Summary of Bill

- Requires a landlord under the Residential Landlord-Tenant Act to provide at least 120 days' written notice to a tenant whenever the landlord plans to demolish or substantially rehabilitate premises or plans a change of use of premises.

Hearing Date: 2/5/19

Staff: Cece Clynch (786-7195).

Background:

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between residential landlords and tenants, and includes provisions regarding the duties of tenants and landlords, remedies for violations of those duties, and definitions. Subject to a few exceptions spelled out in statute, the rental of a dwelling unit for living purposes is generally covered under the RLTA. "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place.

A tenancy for a specified time such as one year, sometimes also called a lease, is deemed terminated at the end of the specified period. Alternatively, premises may be rented for an indefinite time, from period to period or month to month. Generally, such a tenancy is automatically renewed for another period until terminated by either the landlord or the tenant by giving at least 20 days' written notice prior to the end of any of the months or periods of tenancy.

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 under the RLTA must provide longer notice in certain situations:

- Whenever a landlord plans to change to a policy of excluding children, the landlord must give written notice of at least 90 days before termination of the tenancy to effectuate that change. If, after giving the 90 days' notice, the change in policy is delayed, the general 20 days' notice applies unless waived by the tenant.
- Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord must provide written notice of at least 120 days before termination of the tenancy. If, after giving the 120 days' notice, the change in policy is delayed, the general 20 days' notice applies unless waived by the tenant.

Summary of Bill:

A landlord under the Residential Landlord-Tenant Act must provide at least 120 days' written notice to a tenant whenever the landlord plans to demolish or substantially rehabilitate premises or plans a change of use of premises.

Certain terms are defined as follows:

- "Assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing, or that receives other federal, state, or local government assistance and is subject to use restrictions.
- "Change of use" means:
 - conversion of any premises from a residential use to a nonresidential use that results in the displacement of an existing tenant;
 - conversion from one type of residential use to another type of residential use that results in the displacement of an existing tenant, such as conversion to a retirement home, emergency shelter, or transient hotel; or
 - conversion following removal of use restrictions from an assisted housing development that results in the displacement of an existing tenant. However, displacement of an existing tenant in order that the owner or a member of the owner's immediate family may occupy the premises does not constitute a change of use.
- "Demolish" means the destruction of premises or the relocation of premises to another site that results in the displacement of an existing tenant.
- "Substantially rehabilitate" means extensive structural repair or extensive remodeling of premises that requires a permit such as a building, electrical, plumbing, or mechanical permit, and that results in the displacement of an existing tenant.

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.