
Civil Rights & Judiciary Committee

HB 1463

Brief Description: Changing notice requirements with respect to tenancies in order to enhance stability for tenants.

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

Brief Summary of Bill

- Changes four of the unlawful detainer notice periods for purposes of the Residential Landlord-Tenant Act to five days.
- Tasks the Department of Commerce (Department) with maintaining, and making available on its website, a housing information guide for tenants and owners.
- Requires landlords to provide the Department's guide to a tenant at the commencement of a tenancy, and to provide an additional notice concerning the guide with unlawful detainer notices.

Hearing Date: 2/5/19

Staff: Cece Clynych (786-7195).

Background:

Residential Landlord Tenant Act.

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

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indefinite time, from period to period or month to month. 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.

Tenant Duties.

Tenant duties under the RLTA include the following:

- paying rent;
- keeping the part of the premises occupied by the tenant as clean and sanitary as the conditions of the premises permit;
- properly disposing of rubbish;
- properly using and operating fixtures and appliances;
- not intentionally or negligently destroying or damaging any part of the structure or dwelling;
- not permitting a nuisance or common waste; and
- not engaging in drug-related or gang-related activity.

Unlawful Detainer.

Landlord remedies for a tenant's failure to comply with his or her duties includes commencement of an unlawful detainer action against a tenant in unlawful detainer status. The definition of "unlawful detainer" applicable under the RLTA, as well as with respect to other tenancies not governed by the RLTA, is found in chapter 59.12 RCW. Under that definition, a tenant is guilty of unlawful detainer when he or she:

1. holds over after the expiration of the specified term for which it is let to him or her. When real property is leased for a specified term or period, the tenancy shall be terminated without notice at the expiration of the specified term or period.
2. continues in possession of premises leased for an indefinite period, such as month to month, after the end of any month or period when the landlord, more than 20 days prior to the end of the month or period, served notice requiring the tenant to quit the premises at the end of the month or period.
3. continues in possession after a default in rent, and after a three-day notice to pay rent or vacate has been served, without complying with the duty to pay.
4. continues in possession after failing to comply with a duty of tenancy other than to pay rent, and after a 10-day notice to comply or vacate has been served, without complying with the duty.
5. permits waste upon the premises, or carries on an unlawful business, or maintains a nuisance and remains in possession after the service of a three-day notice to quit the premises.
6. enters upon the premises without permission and without having color of title and refuses to leave after a three-day notice. Such a person may also be subject to criminal laws.
7. commits or permits any gang-related activity as prohibited by the RLTA.

Summary of Bill:

Changes are made with respect to several of the unlawful detainer notice requirements. For purposes of the Residential Landlord-Tenant Act (RLTA) only, four of the notice periods found in the section defining unlawful detainer are changed to five days. A tenant is guilty of unlawful detainer when he or she:

- continues in possession after a default in rent, and after a five-day (up from three-day) notice to pay rent or vacate has been served, without complying with the duty to pay;
- continues in possession after failing to comply with a duty of tenancy other than to pay rent, and after a five-day (down from 10-day) notice to comply or vacate has been served, without complying with the duty;
- permits waste upon the premises, or carries on an unlawful business, or maintains a nuisance and remains in possession after the service of a five-day (up from three-day) notice to quit the premises; or
- enters upon the premises without permission and without having color of title and refuses to leave after a five-day (up from three-day) notice. Such a person may also be subject to criminal laws.

A new provision is added to the RLTA, requiring that every unlawful detainer notice served must be accompanied by a "Notice to Tenants" that alerts the tenant that he or she is receiving the unlawful detainer notice because the landlord alleges a failure to comply with lease terms, and indicates that the tenant may want to consult the guide maintained by the Department of Commerce (Department) which contains information regarding:

- duties of landlords and tenants and notice and response requirements;
- the availability of any free and low-cost legal services; and
- other topics deemed relevant by the Department.

Failure to provide the Notice to Tenants 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.

The Department is tasked with maintaining, and making available on its website, a housing information guide for tenants and owners. The guide must be in English and Spanish and, at the discretion of the Department, other languages. The guide must include information regarding:

- duties and responsibilities of landlords;
- duties and responsibilities of tenants;
- the availability of any free and low-cost legal services; and
- other topics deemed relevant by the Department.

The landlord must provide a copy of the guide to each tenant at the commencement of the tenancy.

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.