
HOUSE BILL 1463

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

Read first time 01/22/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to changing notice requirements with respect to
2 tenancies in order to enhance stability for tenants; amending RCW
3 59.12.030; adding new sections to chapter 59.18 RCW; and creating a
4 new section.

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

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

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

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

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

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

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

19 (f) Many tenants are unnecessarily brought into the unlawful
20 detainer process due to a lack of knowledge of residential landlord

1 tenant laws and unfamiliarity with how to access available
2 informational and financial resources.

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

8 **Sec. 2.** RCW 59.12.030 and 1998 c 276 s 6 are each amended to
9 read as follows:

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

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

19 (2) When he or she, having leased property for an indefinite time
20 with monthly or other periodic rent reserved, continues in possession
21 thereof, in person or by subtenant, after the end of any such month
22 or period, when the landlord, more than twenty days prior to the end
23 of such month or period, has served notice (in manner in RCW
24 59.12.040 provided) requiring him or her to quit the premises at the
25 expiration of such month or period;

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

36 (4) When he or she continues in possession in person or by
37 subtenant after a neglect or failure to keep or perform any other
38 condition or covenant of the lease or agreement under which the
39 property is held, including any covenant not to assign or sublet,

1 than one for the payment of rent, and after notice in writing
2 requiring in the alternative the performance of such condition or
3 covenant or the surrender of the property, served (in manner in RCW
4 59.12.040 provided) upon him or her, and if there is a subtenant in
5 actual possession of the premises, also upon such subtenant, shall
6 remain uncomplished with for ten days after service thereof, or five
7 days after service for tenancies under chapter 59.18 RCW. Within ten
8 days after the service of such notice, or five days after service for
9 tenancies under chapter 59.18 RCW, the tenant, or any subtenant in
10 actual occupation of the premises, or any mortgagee of the term, or
11 other person interested in its continuance, may perform such
12 condition or covenant and thereby save the lease from such
13 forfeiture;

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

21 (6) A person who, without the permission of the owner and without
22 having color of title thereto, enters upon land of another and who
23 fails or refuses to remove therefrom after three days' notice, or
24 five days' notice for tenancies under chapter 59.18 RCW, in writing
25 and served upon him or her in the manner provided in RCW 59.12.040.
26 Such person may also be subject to the criminal provisions of chapter
27 9A.52 RCW; or

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

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18
31 RCW to read as follows:

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

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

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

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

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

14 (d) Other topics deemed relevant by the department.

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

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.18
18 RCW to read as follows:

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

22 NOTICE TO TENANTS

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

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

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

35 (b) The variety of duties and responsibilities of tenants as set
36 forth in chapter 59.18 RCW, including: The time frames for responding
37 to various notices; the duty to not unreasonably withhold consent to
38 the landlord to make repairs or supply necessary or agreed services;

1 and duties to maintain smoke detection devices and not to permit
2 nuisance or common waste;

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

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

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

--- **END** ---