
HOUSE BILL 2535

State of Washington

66th Legislature

2020 Regular Session

By Representatives Kirby, Pollet, Ormsby, and Santos

Read first time 01/15/20. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to providing for a grace period before late fees
2 may be imposed for past due rent; and amending RCW 59.18.170 and
3 59.18.230.

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

5 **Sec. 1.** RCW 59.18.170 and 1973 1st ex.s. c 207 s 17 are each
6 amended to read as follows:

7 (1) If at any time during the tenancy the tenant fails to carry
8 out the duties required by RCW 59.18.130 or 59.18.140, the landlord
9 may, in addition to pursuit of remedies otherwise provided by law,
10 give written notice to the tenant of said failure, which notice shall
11 specify the nature of the failure.

12 (2) The landlord may not charge late fees for past due rent
13 unless the rent is at least five days past due.

14 **Sec. 2.** RCW 59.18.230 and 2011 c 132 s 11 are each amended to
15 read as follows:

16 (1) Any provision of a lease or other agreement, whether oral or
17 written, whereby any section or subsection of this chapter is waived
18 except as provided in RCW 59.18.360 and shall be deemed against
19 public policy and shall be unenforceable. Such unenforceability shall

1 not affect other provisions of the agreement which can be given
2 effect without them.

3 (2) No rental agreement may provide that the tenant:

4 (a) Agrees to waive or to forgo rights or remedies under this
5 chapter; or

6 (b) Authorizes any person to confess judgment on a claim arising
7 out of the rental agreement; or

8 (c) Agrees to pay the landlord's attorneys' fees, except as
9 authorized in this chapter; or

10 (d) Agrees to the exculpation or limitation of any liability of
11 the landlord arising under law or to indemnify the landlord for that
12 liability or the costs connected therewith; or

13 (e) And landlord have agreed to a particular arbitrator at the
14 time the rental agreement is entered into; or

15 (f) Agrees to pay late fees for past due rent unless the rent is
16 at least five days past due.

17 (3) A provision prohibited by subsection (2) of this section
18 included in a rental agreement is unenforceable. If a landlord
19 deliberately uses a rental agreement containing provisions known by
20 him or her to be prohibited, the tenant may recover actual damages
21 sustained by him or her, statutory damages not to exceed five hundred
22 dollars, costs of suit, and reasonable attorneys' fees.

23 (4) The common law right of the landlord of distress for rent is
24 hereby abolished for property covered by this chapter. Any provision
25 in a rental agreement creating a lien upon the personal property of
26 the tenant or authorizing a distress for rent is null and void and of
27 no force and effect. Any landlord who takes or detains the personal
28 property of a tenant without the specific written consent of the
29 tenant to such incident of taking or detention, and who, after
30 written demand by the tenant for the return of his or her personal
31 property, refuses to return the same promptly shall be liable to the
32 tenant for the value of the property retained, actual damages, and if
33 the refusal is intentional, may also be liable for damages of up to
34 five hundred dollars per day but not to exceed five thousand dollars,
35 for each day or part of a day that the tenant is deprived of his or
36 her property. The prevailing party may recover his or her costs of
37 suit and a reasonable attorneys' fee.

38 In any action, including actions pursuant to chapters 7.64 or
39 12.28 RCW, brought by a tenant or other person to recover possession
40 of his or her personal property taken or detained by a landlord in

1 violation of this section, the court, upon motion and after notice to
2 the opposing parties, may waive or reduce any bond requirements where
3 it appears to be to the satisfaction of the court that the moving
4 party is proceeding in good faith and has, prima facie, a meritorious
5 claim for immediate delivery or redelivery of said property.

--- **END** ---