

FINAL BILL REPORT

ESSB 5197

C 336 L 23
Synopsis as Enacted

Brief Description: Addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes.

Sponsors: Senate Committee on Housing (originally sponsored by Senators Kuderer, Saldaña, Frame, Nguyen, Nobles, Wellman and Wilson, C.).

Senate Committee on Housing
House Committee on Housing

Background: Residential Landlord-Tenant Act. The Residential Landlord-Tenant Act (RLTA) regulates the creation of residential tenancies and the relationship between landlords and tenants of residential dwelling units. The RLTA establishes rights and duties of both tenants and landlords, procedures for the parties to enforce their rights, how and when a tenancy expires or may be ended, and remedies for violations of the RLTA.

Forcible Entry or Unlawful Detainer Actions. If a court finds in favor of the landlord against a tenant, a judgment shall be entered for the restitution of the premises. Execution upon the judgment may not occur until five court days have passed after the entry of the judgment. A tenant may seek to restore their tenancy after entry of a judgment by tendering the amount stated within the judgment. Under current law, a tenant may satisfy a judgment at any time up until five court days have passed after entry of the judgment.

Any tenant that seeks to restore their tenancy with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity must provide a copy of the pledge from the appropriate governmental or nonprofit entity. In doing so, the tenant is entitled to exercise certain reinstatement rights, including a stay of the judgment and a provision by the landlord of the necessary documentation for processing the assistance.

Landlords must accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any 14-day notice to

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pay or vacate for nonpayment of rent for any amount owing under the rental agreement. Landlords must suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. Once a judgment has been satisfied, a landlord must file a satisfaction of judgment with the court.

Following the entry of a judgment against a tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court may stay the writ of restitution upon good cause and on terms the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following:

- tenants willful or intentional default or intentional failure to pay rent;
- whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and are not likely to recur;
- the tenant's ability to timely pay the judgment;
- the tenant's payment history;
- whether the tenant is otherwise in substantial compliance with the rental agreement;
- hardship on the tenant if evicted; and
- conduct related to other notices served within the last six months.

Under current law, a tenant who has been served with three or more notices to pay or vacate for failure to pay rent within 12 months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief in this way.

Summary: Remote Participation. In any forcible or unlawful detainer proceeding, hearings may be conducted remotely. At the court's discretion, parties, witnesses, and other authorized participants may attend hearings where possible. The court must grant any request for a remote appearance unless the court finds good cause to require in-person attendance. Courts may not charge fees for remote appearances and shall provide instructions for remote access either on the official court website or in writing directly to the party requesting to appear remotely, or both. Any party must also be permitted to make an emergency application by phone or videoconference and file such documents by email, fax, or other remote means.

Forcible or Unlawful Detainer Actions. When a tenant is liable for unlawful detainer after a default in payment of rent, execution upon the judgment may not occur until five court days have passed after the entry of the judgment. If a tenant provides a pledge of financial assistance letter from a government or nonprofit entity, the period of time within which a tenant who is liable for unlawful detainer after a default in the payment of rent may satisfy the judgment and be restored to their tenancy is extended from five court days after entry of the judgment to the date of eviction.

The period of time within which a landlord must suspend court action to allow for payment of emergency rental assistance funds is extended from seven to 14 court days.

The exclusion from seeking a stay of the writ of restitution upon good cause for tenants who have been served with three or more notices to pay or vacate for failure to pay rent within 12 months prior to the notice to pay or vacate upon which the proceeding is based is modified to allow judges to consider the validity and propriety of the notices served as the basis for the exclusion. The exception to the prohibition on eligibility for good cause judicial discretion for tenants using the tenancy preservation program is extended permanently.

Residential Landlord-Tenant Act, Generally. The uniform 14-day pay or vacate notice is updated by removing language requiring landlords to provide 14-day pay or vacate notices to dispute resolution centers upon expiration of the eviction resolution pilot program.

Votes on Final Passage:

Senate	28	20	
House	57	40	(House amended)
Senate	28	18	(Senate concurred)

Effective: July 23, 2023