
HOUSE BILL 1388

State of Washington

68th Legislature

2023 Regular Session

By Representatives Macri, Ramel, Peterson, Thai, Gregerson, Hackney, Ormsby, Alvarado, Doglio, Cortes, Riccelli, Mena, Kloba, Bateman, Fitzgibbon, Street, Taylor, Lekanoff, Simmons, Farivar, Pollet, Stonier, Berry, Reed, Bergquist, Morgan, Davis, Santos, Chopp, Stearns, and Fosse

Read first time 01/17/23. Referred to Committee on Housing.

1 AN ACT Relating to protecting tenants by prohibiting predatory
2 residential rent practices and by applying the consumer protection
3 act to the residential landlord-tenant act and the manufactured/
4 mobile home landlord-tenant act; adding new sections to chapter 59.18
5 RCW; adding new sections to chapter 59.20 RCW; prescribing penalties;
6 and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18
9 RCW to read as follows:

10 (1) Except as provided in subsection (2) of this section, a
11 landlord is prohibited from engaging in any of the following
12 predatory practices:

13 (a) A landlord may not rent or seek to rent a dwelling unit at an
14 excessive rent if such rent increase is not justified by costs
15 necessary to maintain the dwelling unit, is substantially likely to
16 force the tenant or household to move or involuntarily relocate from
17 the home, or is used as a means to avoid other protections afforded
18 to tenants under this chapter or any other source of legal rights;

19 (b) A landlord may not charge a higher rent or include terms of
20 payment or other material conditions in a rental agreement that are
21 more burdensome to a tenant for a month-to-month rental agreement

1 than for a rental agreement where the term is greater than month-to-
2 month, or vice versa; and

3 (c) A landlord may not charge a tenant move-in fees or security
4 deposits before a tenant takes possession of a dwelling unit that
5 exceed one month's rent.

6 (2) This section does not apply to:

7 (a) A tenancy in a federally funded property owned or operated by
8 a public housing authority under chapter 35.82 RCW, or a tenancy in a
9 property that is funded through a housing assistance program under
10 chapter 43.185 RCW; and

11 (b) A tenancy in a dwelling unit for which the first certificate
12 of occupancy for the dwelling unit was issued 10 or less years before
13 the date of the notice of the rent increase.

14 (3) The attorney general may investigate predatory practices that
15 are violations of this section. The attorney general may issue
16 subpoenas or civil investigative demands pursuant to RCW 19.86.110 to
17 any person that the attorney general has reason to believe has
18 violated this section or has information or knowledge pertaining to a
19 violation of this section. When investigating, the attorney general
20 may consider, in addition to any other relevant information:

21 (a) The condition of the dwelling unit. For example, outstanding
22 repair issues, maintenance costs other than for cosmetic upgrades,
23 property taxes, or other information pertaining to the care and
24 maintenance of the dwelling unit and premises;

25 (b) Whether a rent increase, move-in fee, security deposit, term
26 of payment, or other material condition in the lease was used to
27 evade protections afforded to tenants under this chapter or any other
28 source of legal rights. For example, whether the tenant made any
29 complaints regarding repair issues prior to the issuance of the rent
30 increase notice; and

31 (c) Whether a rent increase will force the tenant or household to
32 move or involuntarily relocate from the home. For example, the
33 economic and financial position of the tenant's household.

34 (4) The attorney general may issue a cease and desist letter to
35 any person to restrain and prevent violations of this section. If the
36 recipient of a cease and desist letter does not comply within five
37 calendar days of receipt of the letter, the attorney general may file
38 an action in superior court to enforce the cease and desist letter.
39 If the court finds that the person violated this section and failed
40 to comply with a cease and desist letter, the court shall enjoin the

1 person from engaging in conduct that violates this section and impose
2 a civil penalty of no more than \$10,000 per violation of the cease
3 and desist letter. In any successful action to enforce a cease and
4 desist letter under this chapter, the court shall award the attorney
5 general the costs of bringing the action, including reasonable
6 investigative costs and reasonable attorneys' fees. The remedies
7 under this subsection are in addition to any other remedies a court
8 may order under subsection (5) of this section.

9 (5) A person who violates this section must forfeit and pay a
10 civil penalty of no more than \$25,000 per violation. Additional civil
11 penalties may not be assessed for the same violation under the
12 consumer protection act pursuant to RCW 19.86.140.

13 (6) A tenant whose landlord engages in predatory practices in
14 violation of this section and pays rent or other charges in excess of
15 amounts permitted by this section has a cause of action against the
16 landlord to recover actual damages in the amount of the excess rent
17 or other charges paid, mandatory punitive damages equal to three
18 months of the unlawful higher rent or charges that the tenant paid,
19 and reasonable attorneys' fees and costs incurred in bringing the
20 action.

21 (7) The remedies provided by this section are in addition to any
22 other remedies provided by law.

23 (8) It is a defense to an unlawful detainer action under chapter
24 59.12 RCW that the action to remove the tenant and recover possession
25 of the premises was for nonpayment of rent that was unlawfully
26 increased in violation of this section.

27 (9) A landlord may not report the tenant to a tenant screening
28 service provider for failure to pay rent that was unlawfully
29 increased in violation of this section.

30 (10) By January 1, 2024, the office of the attorney general shall
31 produce and maintain on its website translated versions of this
32 section in the 10 languages most frequently spoken in Washington
33 state and, at the discretion of the office of the attorney general,
34 other languages as requested by individuals who have limited English
35 language proficiency. A translation must be made available upon
36 request in printed form on letter size paper, eight and one-half by
37 11 inches, and in an easily readable font size.

38 (11) For the purposes of this section:

39 (a) "Excessive rent" means a rent increase during any 12-month
40 period that is greater than the rate of inflation as measured by the

1 consumer price index or three percent, whichever is greater, up to a
2 maximum of seven percent above the existing rent. The maximum annual
3 rent increase percentage allowed for each calendar year is calculated
4 and published by the department of commerce as required in section 2
5 of this act.

6 (b) "Rate of inflation as measured by the consumer price index"
7 means the September 12-month percent change in the consumer price
8 index for all urban consumers (CPI-U), west region, all items, not
9 seasonally adjusted, or a successor index, as published by the bureau
10 of labor statistics of the United States department of labor in
11 September of the current calendar year.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18
13 RCW to read as follows:

14 (1) On September 30, 2023, and on each following September 30th,
15 the department of commerce shall calculate the maximum annual rent
16 increase percentage allowed by sections 1 and 4 of this act for the
17 following calendar year. The maximum annual rent increase percentage
18 allowed for the following calendar year is the rate of inflation as
19 measured by the consumer price index or three percent, whichever is
20 greater, up to a maximum of seven percent. For the purposes of this
21 section, "rate of inflation as measured by the consumer price index"
22 means the September 12-month percent change in the consumer price
23 index for all urban consumers (CPI-U), west region, all items, not
24 seasonally adjusted, or a successor index, as published by the bureau
25 of labor statistics of the United States department of labor in
26 September of the current calendar year.

27 (2) On September 30, 2023, and on each following September 30th,
28 the department of commerce shall publish the maximum annual rent
29 increase percentage calculated under subsection (1) of this section,
30 along with the relevant excessive rent protection provisions in
31 sections 1 and 4 of this act, in a press release.

32 (3) The department of commerce shall maintain publicly available
33 information on its website about the maximum annual rent increase
34 percentage for the previous calendar year and for the current
35 calendar year, and on or after September 30th of each year, for the
36 following calendar year.

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

1 (1) The legislature finds that the practices covered by this
2 chapter are matters vitally affecting the public interest for the
3 purpose of applying the consumer protection act, chapter 19.86 RCW.

4 (2) A violation of this chapter by a landlord including, but not
5 limited to, a violation of a cease and desist letter issued pursuant
6 to section 1 of this act, is not reasonable in relation to the
7 development and preservation of business and is an unfair or
8 deceptive act in trade or commerce and an unfair method of
9 competition for the purpose of applying the consumer protection act,
10 chapter 19.86 RCW.

11 (3) Any violation of this chapter by a landlord is also a
12 violation of RCW 19.86.020 of the consumer protection act.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.20
14 RCW to read as follows:

15 (1) Except as provided in subsection (2) of this section and in
16 RCW 59.20.060(2)(c), a landlord is prohibited from engaging in any of
17 the following predatory practices:

18 (a) A landlord may not rent or seek to rent a mobile home lot at
19 an excessive rent if such rent increase is not justified by costs
20 necessary to maintain the mobile home lot, is substantially likely to
21 force the tenant or household to move or involuntarily relocate from
22 the mobile home lot, or is used as a means to avoid other protections
23 afforded to tenants under this chapter or any other source of legal
24 rights;

25 (b) A landlord may not charge a higher rent or include terms of
26 payment or other material conditions in a rental agreement that are
27 more burdensome to a tenant for a month-to-month rental agreement
28 than for a rental agreement where the term is greater than month-to-
29 month, or vice versa; and

30 (c) A landlord may not charge a tenant move-in fees or security
31 deposits before a tenant takes possession of a mobile home lot that
32 exceed one month's rent.

33 (2) This section does not apply to a tenancy in a federally
34 funded property owned or operated by a public housing authority under
35 chapter 35.82 RCW, or a tenancy in a property that is funded through
36 a housing assistance program under chapter 43.185 RCW.

37 (3) The attorney general may investigate predatory practices that
38 are violations of this section. The attorney general may issue
39 subpoenas or civil investigative demands pursuant to RCW 19.86.110 to

1 any person that the attorney general has reason to believe has
2 violated this section or has information or knowledge pertaining to a
3 violation of this section. When investigating, the attorney general
4 may consider, in addition to any other relevant information:

5 (a) The condition of the mobile home lot. For example,
6 outstanding repair issues, maintenance costs other than for cosmetic
7 upgrades, property taxes, or other information pertaining to the care
8 and maintenance of the mobile home lot and premises;

9 (b) Whether a rent increase, move-in fee, security deposit, term
10 of payment, or other material condition in the lease was used to
11 evade protections afforded to tenants under this chapter or any other
12 source of legal rights. For example, whether the tenant made any
13 complaints regarding repair issues prior to the issuance of the rent
14 increase notice; and

15 (c) Whether a rent increase will force the tenant or household to
16 move or involuntarily relocate from the mobile home lot. For example,
17 the economic and financial position of the tenant's household.

18 (4) The attorney general may issue a cease and desist letter to
19 any person to restrain and prevent violations of this section. If the
20 recipient of a cease and desist letter does not comply within five
21 calendar days of receipt of the letter, the attorney general may file
22 an action in superior court to enforce the cease and desist letter.
23 If the court finds that the person violated this section and failed
24 to comply with a cease and desist letter, the court shall enjoin the
25 person from engaging in conduct that violates this section and impose
26 a civil penalty of no more than \$10,000 per violation of the cease
27 and desist letter. In any successful action to enforce a cease and
28 desist letter under this chapter, the court shall award the attorney
29 general the costs of bringing the action, including reasonable
30 investigative costs and reasonable attorneys' fees. The remedies
31 under this subsection are in addition to any other remedies a court
32 may order under subsection (5) of this section.

33 (5) A person who violates this section must forfeit and pay a
34 civil penalty of no more than \$25,000 per violation. Additional civil
35 penalties may not be assessed for the same violation under the
36 consumer protection act pursuant to RCW 19.86.140.

37 (6) A tenant whose landlord engages in predatory practices in
38 violation of this section and pays rent or other charges in excess of
39 amounts permitted by this section has a cause of action against the
40 landlord to recover actual damages in the amount of the excess rent

1 or other charges paid, mandatory punitive damages equal to three
2 months of the unlawful higher rent or charges that the tenant paid,
3 and reasonable attorneys' fees and costs incurred in bringing the
4 action.

5 (7) The remedies provided by this section are in addition to any
6 other remedies provided by law.

7 (8) It is a defense to an unlawful detainer action under chapter
8 59.12 RCW that the action to remove the tenant and recover possession
9 of the premises was for nonpayment of rent that was unlawfully
10 increased in violation of this section.

11 (9) A landlord may not report the tenant to a tenant screening
12 service provider for failure to pay rent that was unlawfully
13 increased in violation of this section.

14 (10) By January 1, 2024, the office of the attorney general shall
15 produce and maintain on its website translated versions of this
16 section in the 10 languages most frequently spoken in Washington
17 state and, at the discretion of the office of the attorney general,
18 other languages as requested by individuals who have limited English
19 language proficiency. A translation must be made available upon
20 request in printed form on letter size paper, eight and one-half by
21 11 inches, and in an easily readable font size.

22 (11) For the purposes of this section:

23 (a) "Excessive rent" means a rent increase during any 12-month
24 period that is greater than the rate of inflation as measured by the
25 consumer price index or three percent, whichever is greater, up to a
26 maximum of seven percent above the existing rent. The maximum annual
27 rent increase percentage allowed for each calendar year is calculated
28 and published by the department of commerce as required in section 2
29 of this act.

30 (b) "Rate of inflation as measured by the consumer price index"
31 means the September 12-month percent change in the consumer price
32 index for all urban consumers (CPI-U), west region, all items, not
33 seasonally adjusted, or a successor index, as published by the bureau
34 of labor statistics of the United States department of labor in
35 September of the current calendar year.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 59.20
37 RCW to read as follows:

1 (1) The legislature finds that the practices covered by this
2 chapter are matters vitally affecting the public interest for the
3 purpose of applying the consumer protection act, chapter 19.86 RCW.

4 (2) A violation of this chapter by a landlord including, but not
5 limited to, a violation of a cease and desist letter issued pursuant
6 to section 4 of this act, is not reasonable in relation to the
7 development and preservation of business and is an unfair or
8 deceptive act in trade or commerce and an unfair method of
9 competition for the purpose of applying the consumer protection act,
10 chapter 19.86 RCW.

11 (3) Any violation of this chapter by a landlord is also a
12 violation of RCW 19.86.020 of the consumer protection act.

13 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of
15 the state government and its existing public institutions, and takes
16 effect immediately.

--- END ---