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**HOUSE BILL 2161**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Peterson, Reed, Macri, Chopp, Alvarado, Lekanoff, and Pollet

Prefiled 01/05/24. Read first time 01/08/24. Referred to Committee on Housing.

1 AN ACT Relating to streamlining enforcement of tenant  
2 protections; adding a new section to chapter 59.18 RCW; adding a new  
3 section to chapter 59.20 RCW; adding a new chapter to Title 59 RCW;  
4 and repealing RCW 59.18.080 and 59.20.240.

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

6 NEW SECTION. **Sec. 1.** The venue of the action authorized by this  
7 chapter is the superior court of the county where the dwelling unit  
8 is located.

9 NEW SECTION. **Sec. 2.** Any aggrieved party may petition the  
10 superior court for relief through the process provided under this  
11 chapter or by otherwise commencing a civil action in superior court  
12 if a landlord has:

13 (1) Violated a provision of chapter 59.18 or 59.20 RCW or RCW  
14 49.60.222;

15 (2) Engaged in unfair, deceptive, or abusive acts or practices  
16 against the tenant or tenants; or

17 (3) Violated a provision of the rental agreement.

18 NEW SECTION. **Sec. 3.** (1) For any violations under section 2 of  
19 this act, an aggrieved party may commence an action by filing a

1 petition and order to show cause and scheduling a hearing date with  
2 the superior court in the county where the premises is located.

3 (2) Upon filing of a petition under this chapter, the court must  
4 issue an order to show cause and schedule a hearing within 14 days  
5 from the filing of the petition. At or after the time of filing the  
6 petition, and pending the hearing, the court may issue:

7 (a) An order to prevent harm to the tenant if the tenant is at  
8 risk of immediate harm; or

9 (b) An ex parte writ of restitution immediately restoring the  
10 tenant to the premises if the court finds with reasonable certainty  
11 that the respondent unlawfully excluded the petitioner from accessing  
12 the dwelling unit.

13 (3) The petition and order to show cause to the court must  
14 substantially contain the following:

15 (a) A description of the premises and the identity of the  
16 landlord;

17 (b) A statement of facts that indicates the existence of the  
18 violation or condition; and

19 (c) A request for relief.

20 (4) The petition and order to show cause filed by a tenant must  
21 be substantially in the following form:

22  
23 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
24 IN AND FOR THE COUNTY OF \_\_\_\_\_

25 ) Cause No.:  
26 \_\_\_\_\_ )  
27 Petitioner(s) )  
28 v. ) VERIFIED PETITION FOR RELIEF  
29 )  
30 \_\_\_\_\_ ) (Clerk's Action Required)  
31 Respondent(s) )  
32 \_\_\_\_\_ )  
33 )  
34 )  
35 )  
36 \_\_\_\_\_ )

37 **RELIEF REQUESTED**  
38

1 1. Petitioner, \_\_\_\_\_, asks the court to order the respondent  
2 to correct the below violations and award any damages and/or  
3 injunctive relief.

4  
5 2. Petitioner also requests that the court immediately issue an  
6 order to show cause setting a hearing on the petition for  
7 relief and directing the parties to appear and show cause why  
8 the relief asked for below by petitioner should not be  
9 granted.

10  
11 3. Petitioner seeks the court to enter an order providing for the  
12 following relief before the hearing date:

13 \_\_\_\_\_  
14 \_\_\_\_\_.

15  
16 **STATEMENT OF CLAIM**

17  
18 4. I, \_\_\_\_\_, reside at \_\_\_\_\_

19 \_\_\_\_\_  
20 \_\_\_\_\_.

21  
22 5. Respondent is the landlord at \_\_\_\_\_

23 \_\_\_\_\_.

24  
25 6. I am bringing this action because the respondent has:

26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_.

29  
30 7. I am requesting the court to: \_\_\_\_\_

31 \_\_\_\_\_  
32 \_\_\_\_\_  
33 \_\_\_\_\_.

34  
35 8. I am at risk of immediate harm or have been unlawfully  
36 excluded because: \_\_\_\_\_

37 \_\_\_\_\_  
38 \_\_\_\_\_.

39  
40 **VERIFICATION**

1  
2 I certify under penalty of perjury under the laws of the state of  
3 Washington that the foregoing petition is true and correct.

4  
5 Dated: \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_ (year), at \_\_\_\_\_,  
6 Washington.

7  
8  
9  
10 \_\_\_\_\_  
11 Signature of Petitioner

12 Name (Print): \_\_\_\_\_

13 Address: \_\_\_\_\_

14 Telephone: \_\_\_\_\_

15  
16 **ORDER**

17  
18 **THE ABOVE-TITLED COURT HEREBY ORDERS THAT:**

19  
20 1. The parties shall appear for a show cause hearing on  
21 \_\_\_\_\_, \_\_\_\_ (year), at \_\_\_\_ a.m./p.m. at the \_\_\_\_\_ County  
22 Superior Court, \_\_\_\_\_,  
23 Washington.

24 2. Petitioner(s) shall serve respondent with a copy of this Order  
25 as well as a copy of the petition no later than \_\_\_\_\_ p.m. on  
26 \_\_\_\_\_. Service may be made by personal delivery or  
27 certified mail with return receipt requested by the following  
28 date: \_\_\_\_\_.

29 3. Because petitioner is at risk of immediate harm or has been  
30 unlawfully excluded from the premises, the respondent is hereby  
31 ordered to or the sheriff is hereby ordered to restore the  
32 premises: \_\_\_\_\_.

33  
34 **YOU ARE HEREBY FURTHER NOTIFIED** to bring with you any and all papers  
35 and proof needed by you to establish or defend this claim. At the  
36 time of the hearing, you must bring any witnesses who will testify on  
37 your behalf.

1 **YOU ARE FURTHER NOTIFIED** that if you fail to personally appear as  
2 directed, a judgment may be entered against you for the relief sought  
3 and any amount claimed, plus petitioner's costs of filing and service  
4 of the claim upon you.

5  
6 DATED: \_\_\_\_\_  
7

8 \_\_\_\_\_  
9 JUDGE/COURT COMMISSIONER

10  
11 Presented by:

12  
13 \_\_\_\_\_, Petitioner  
14

15 NEW SECTION. **Sec. 4.** The petition must be served upon the  
16 landlord, the landlord's agent, or the person receiving rent. Service  
17 must be by personal service, by certified mail with return receipt  
18 requested to the respondent, or other means of service under the  
19 civil rules. For purposes of delivery or mailing the petition and  
20 order to show cause, the petitioner may use the address listed on the  
21 rental agreement for the landlord or where rental payments are  
22 directed. If service pursuant to this section cannot be made with due  
23 diligence, the court may authorize service in a form likely to result  
24 in actual notice of the pending petition, including service by email  
25 or by requiring the assistance of local law enforcement in the  
26 service of the petition. When service by mail is authorized by this  
27 chapter or court order, adding additional time for mailing is not  
28 required except as the court sets forth in its order. The court order  
29 shall specify when and how the petition and order must be served on  
30 the landlord, which shall include at least seven days' notice to the  
31 landlord before the hearing on the petition.

32 NEW SECTION. **Sec. 5.** Before the hearing on the petition, the  
33 respondent may serve and file an answer setting forth any defenses to  
34 the petition. The answer must be limited to affirming or denying the  
35 allegations in the petition.

36 NEW SECTION. **Sec. 6.** If genuine issues of material fact are  
37 raised at the hearing on the order to show cause, any genuine issues

1 of material fact must be tried within 30 days of the hearing unless  
2 the parties agree otherwise. The parties may obtain discovery on an  
3 expedited basis limited to the claims raised in the petition and the  
4 enforcement of any judgment with any requests for documentation or  
5 interrogatories returnable at least two days before any trial on the  
6 petition or as the court directs within the action.

7 NEW SECTION. **Sec. 7.** (1) If the court finds that the petition  
8 has been proved by a preponderance of the evidence, it may order any  
9 of the following relief:

10 (a) Where the respondent has been found to have violated a duty  
11 in RCW 59.18.060 or 59.20.130, or the rental agreement, the court  
12 shall:

13 (i) Order the respondent to remedy the violation;

14 (ii) Determine the diminution in rental value of the premises due  
15 to the defective condition and render judgment against the respondent  
16 for the rent paid in excess of such diminished rental value from the  
17 time the defect occurred to when the issue is corrected. Such a  
18 finding may be enforced as a judgment or as a set-off against any  
19 existing or subsequent claims of the respondent;

20 (iii) Order the rent abated and determine the amount by which the  
21 rent is to be abated until such conditions are corrected; and

22 (iv) With the petitioner's consent, order the petitioner to  
23 remedy the violation or violations found by the court and issue a  
24 judgment for any costs and labor incurred in correcting the  
25 violation;

26 (b) If a court determines the dwelling will be condemned or  
27 unlawful to occupy due to the existence of conditions that violate  
28 applicable codes, statutes, ordinances, or regulations, the court may  
29 authorize the termination of the tenancy. In terminating the tenancy,  
30 the court shall set a reasonable time for the petitioner to relocate,  
31 relieve the petitioner of any rental obligation since the condition  
32 came into existence, and award each tenant in the household damages  
33 as provided under RCW 59.18.085, this section, or other applicable  
34 law;

35 (c) In addition to any other damages or remedies provided by law  
36 or contract, if the court determines the respondent unlawfully  
37 excluded the tenant from the premises, the court shall issue a writ  
38 of restitution for immediate restoration of the premises to the  
39 tenant;

1 (d) In addition to any injunctive relief or treble damages  
2 provided by RCW 19.86.090, where a court has found that the landlord  
3 has engaged in unfair, deceptive, or abusive acts or practices, the  
4 court shall award damages in the amount of three times the tenant's  
5 monthly rent. The landlord shall also be liable for any attorneys'  
6 fees or court costs incurred by the tenant; and

7 (e) In addition to any remedies in this section and for other  
8 violations, the court may award damages provided by law or contract  
9 and grant injunctive relief as is proper for the relief sought along  
10 with any reasonable attorneys' fees and court costs.

11 (2) In addition to the relief stated within subsection (1) of  
12 this section, the court may appoint an administrator as described in  
13 section 8 of this act.

14 NEW SECTION. **Sec. 8.** (1) In addition to the relief provided in  
15 section 7 of this act, the court may appoint an administrator as  
16 described in this section.

17 (a) The administrator may be any person or entity other than the  
18 landlord.

19 (b) If an administrator is appointed under this section, the  
20 order shall be served on every residential tenant of the premises  
21 whose obligations will be affected by the judgment personally or by  
22 mail as soon as possible.

23 (c) The court shall direct that rent due must be deposited with  
24 the administrator appointed by the court and direct the administrator  
25 to use the rents collected to remedy the violations found to exist by  
26 the court by paying the debt services, taxes, and insurance, and  
27 providing the services necessary to the ordinary operation and  
28 maintenance of the premises which the respondent is obligated to  
29 provide.

30 (2) In executing its functions, the administrator may:

31 (a) Collect rents from residential and commercial tenants, evict  
32 residential and commercial tenants for nonpayment of rent or other  
33 cause, enter into rental agreements for vacant dwelling units, rent  
34 vacant commercial units with the consent of the landlord, and  
35 exercise other powers necessary and appropriate to carry out the  
36 order;

37 (b) Contract for the reasonable cost of materials, labor, and  
38 services, including utility services provided by a third party,  
39 necessary to remedy the violation or violations found by the court to

1 exist and for the rehabilitation of the property to maintain safe and  
2 habitable conditions over the useful life of the property, and  
3 disburse money for these purposes from funds available for the  
4 purpose;

5 (c) Provide services to the residential and commercial tenants  
6 that the respondent is obligated to provide but refuses or fails to  
7 provide, and pay for them from funds available for the purpose;

8 (d) Petition the court, after notice to the parties, for an order  
9 allowing the administrator to encumber the property to secure funds  
10 to the extent necessary to cover the costs described in (b) of this  
11 subsection, including reasonable fees for the administrator's  
12 services, and to pay for the costs from funds derived from the  
13 encumbrance; and

14 (e) Petition the court, after notice to the parties, for an order  
15 allowing the administrator to receive funds made available for this  
16 purpose by a local jurisdiction, the state, or the federal government  
17 to the extent necessary to cover the costs incurred under (b) of this  
18 subsection and pay for them from funds derived from this source.

19 (3) The administrator must first contract and pay for repairs and  
20 services necessary to keep the premises habitable before other  
21 expenses may be paid. If sufficient funds are not available for  
22 paying other expenses, such as tax and mortgage payments, after  
23 paying for necessary repairs and services, the respondent is  
24 responsible for other expenses.

25 (4) At any time during the administration, the administrator or  
26 any other interested party may petition the court after notice to all  
27 parties for an order terminating the administration on the ground  
28 that the funds available to the administrator are insufficient to  
29 remedy the violations or for any other reason necessitating the  
30 removal of the administrator. If the court finds that the petition is  
31 proved, the court shall terminate the administration and proceed to  
32 judgment under section 7 of this act.

33 (5) Administration of the property may be terminated by the court  
34 or by petition of the respondent, the administrator, or any other  
35 interested party, after notice to all parties, on the ground that the  
36 property has been brought into compliance with state law.

37 (6) After termination of administration, the court may continue  
38 to hold jurisdiction over the premises for a period of one year and  
39 order the respondent to maintain the premises in compliance with all

1 applicable state, county, and city health, safety, housing, building,  
2 fire prevention, and housing maintenance codes.

3 (7) If an administrator has been appointed pursuant to this  
4 section, any right of the respondent to collect rent from the  
5 petitioner is void and unenforceable from the time the court enters  
6 the order until the administrator's appointment is terminated. Any  
7 right of the respondent to collect rent from other tenants is void  
8 and unenforceable from the time of service of judgment until the  
9 administration is terminated.

10 (8) The administrator may not be held personally liable in the  
11 performance of duties under this section except for misfeasance,  
12 malfeasance, or nonfeasance of office.

13 (9) The court may allow a reasonable payment for the services of  
14 an administrator and the expense of the administration from the rent  
15 money. When the administration terminates, the court may enter  
16 judgment against the respondent for the amount of any services and  
17 expenses incurred by the administrator.

18 NEW SECTION. **Sec. 9.** If the respondent fails to comply with an  
19 order of the court pursuant to this chapter, the petitioner may file  
20 an order to show cause before the court seeking to hold the  
21 respondent in contempt under chapter 7.21 RCW. Any respondent who  
22 willfully disobeys the terms of an order issued under this chapter  
23 may, in the court's discretion, be found in contempt of court and  
24 subject to sanctions.

25 NEW SECTION. **Sec. 10.** Any provision of a rental or other  
26 agreement in which a provision of this chapter is waived by a tenant  
27 is contrary to public policy and void.

28 NEW SECTION. **Sec. 11.** The purpose of this chapter is to provide  
29 additional remedies to an aggrieved party and nothing contained in  
30 this act limits any other claims a tenant may have against a  
31 landlord. The remedies of this act shall be in addition to those  
32 found in law or equity.

33 NEW SECTION. **Sec. 12.** The definitions in this section apply  
34 throughout this chapter unless the context clearly requires  
35 otherwise.

36 (1) "Abusive acts or practices" means acts or practices that:

1 (a) Interfere with the ability of a tenant to understand a term  
2 or condition of the rental agreement or the tenancy;

3 (b) Meet the definition of unlawful harassment under RCW  
4 7.105.010;

5 (c) Take unreasonable advantage of:

6 (i) A lack of understanding on the part of the tenant concerning  
7 conditions of the tenancy or the tenant's rights under the law; or

8 (ii) The inability of the tenant to protect his or her interests;

9 (d) Take reprisal or retaliatory action, such as increasing the  
10 rent, refusing to renew the rental agreement, evicting the tenant,  
11 increasing the obligations of the tenant, or reducing services after  
12 a tenant seeks relief due to a violation under section 2 of this act.

13 (2) "Aggrieved party" means any tenant, or an entity acting on  
14 behalf of a tenant or tenants, asserting a violation of a landlord  
15 under this chapter. "Aggrieved party" includes an association of  
16 tenants or occupants with a landlord in common, a group or  
17 association whose mission or activities seek to protect the welfare  
18 of tenants in Washington, the attorney general, and any city or  
19 county government.

20 (3) "Dwelling unit" has the same meaning as provided in RCW  
21 59.18.030.

22 (4) "Landlord" means the owner, lessor, or sublessor of the  
23 dwelling unit, the property of which it is a part, or the mobile home  
24 park, and any person designated as representative of the owner,  
25 lessor, or sublessor including, but not limited to, an agent, a  
26 resident manager, or a designated property manager.

27 (5) "Premises" has the same meaning as provided in RCW 59.18.030.

28 (6) "Reasonable attorneys' fees" has the same meaning as provided  
29 in RCW 59.18.030.

30 (7) "Rental agreement" has the same meaning as provided in RCW  
31 59.18.030.

32 (8) "Tenancy" means the right of a tenant to reside in a dwelling  
33 unit for living or dwelling purposes.

34 (9) "Tenant" means any person who formerly occupied or occupies a  
35 dwelling unit primarily for living or dwelling purposes, including  
36 prospective and former tenants of a dwelling unit who have been  
37 harmed by violations under section 2 of this act.

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

1 Any violation of this chapter by a landlord occurs in the course  
2 of trade or commerce as defined in the consumer protection act,  
3 chapter 19.86 RCW and is, for the purpose of applying that chapter, a  
4 matter affecting the public interest, is not reasonable in relation  
5 to the development and preservation of business, and is an unfair or  
6 deceptive act in trade or commerce.

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

9 Any violation of this chapter by a landlord occurs in the course  
10 of trade or commerce as defined in the consumer protection act,  
11 chapter 19.86 RCW and is, for the purpose of applying that chapter, a  
12 matter affecting the public interest, is not reasonable in relation  
13 to the development and preservation of business, and is an unfair or  
14 deceptive act in trade or commerce.

15 NEW SECTION. **Sec. 15.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 59.18.080 (Payment of rent condition to exercising  
18 remedies—Exceptions) and 2010 c 8 s 19019 & 1973 1st ex.s. c 207 s 8;  
19 and

20 (2) RCW 59.20.240 (Payment of rent condition to exercising  
21 remedies) and 1984 c 58 s 7.

22 NEW SECTION. **Sec. 16.** Sections 1 through 12 of this act  
23 constitute a new chapter in Title 59 RCW.

--- END ---