
Housing Committee

HB 1003

Brief Description: Addressing service of notice by mail in cases involving forcible entry and forcible and unlawful detainer.

Sponsors: Representatives Abbarno, Barkis, Jacobsen, Connors, Peterson and Hill.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies requirements for service by mail of notices required under the unlawful detainer chapter.
--

Hearing Date: 1/13/25

Staff: Audrey Vasek (786-7383).

Background:

Generally, a tenant is liable for unlawful detainer when the tenant maintains possession of real property following the expiration of a rental agreement, a default in the payment of rent, or a violation of a rental agreement. Before a landlord can commence an unlawful detainer action against a tenant, the landlord must serve the tenant with proper notice. For example, in cases involving nonpayment of rent by tenants subject to the Residential Landlord-Tenant Act (RLTA), service of a 14-day notice to pay or vacate is required before a landlord can commence an unlawful detainer action.

With some exceptions, notices required under the unlawful detainer chapter must be served either by:

- personal delivery to the person being served;
- if the person being served is not on the unlawfully held premises, by both leaving a copy with a person of suitable age and discretion at the premises and mailing a copy to the

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- person being served at the person's place of residence; or
- if the person to be served is a tenant or unlawful holder of the premises with an unknown place of residence, or a person of suitable age and discretion cannot be found at the premises, by doing all three of the following: affixing a copy of the notice in a conspicuous place on the premises unlawfully held; delivering a copy to a person residing at the premises, if such a person can be found; and mailing a copy to the tenant or unlawful occupant at the address of the unlawfully held premises.

Service by mail is deemed complete when the properly addressed notice is deposited in the mail, with postage prepaid, in the county in which the property is located. When a notice is served by mail, one additional day must be allowed before the commencement of any action based on that notice.

Many notices for termination of a tenancy under the RLTA must be served in a manner consistent with the requirements for service of notices under the unlawful detainer chapter.

Summary of Bill:

Service by mail is deemed complete when the notice is deposited in the mail, with postage prepaid, by certified mail posted from within Washington state and directed to the last known address of the person entitled to the notice. When a notice is served by mail, five additional days must be allowed before the commencement of any action based on that notice. A termination notice must specify the date by which the person being served must vacate or, if applicable, comply.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.