

HOUSE BILL REPORT

HB 1003

As Reported by House Committee On:
Housing

Title: An act relating to service of notice by mail in cases involving forcible entry and forcible and unlawful detainer.

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.

Brief History:

Committee Activity:

Housing: 1/13/25, 1/14/25, 1/16/25 [DP].

Brief Summary of Bill

- Modifies requirements for service by mail of notices required under the unlawful detainer chapter.

HOUSE COMMITTEE ON HOUSING

Majority Report: Do pass. Signed by 14 members: Representatives Peterson, Chair; Hill, Vice Chair; Richards, Vice Chair; Low, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Alvarado, Barkis, Connors, Cortes, Engell, Entenman, Gregerson, Lekanoff and Timmons.

Minority Report: Do not pass. Signed by 1 member: Representative Dufault.

Minority Report: Without recommendation. Signed by 1 member: Representative Manjarrez, Assistant Ranking Minority Member.

Staff: Audrey Vasek (786-7383).

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.

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 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:
 1. affixing a copy of the notice in a conspicuous place on the premises unlawfully held;
 2. delivering a copy to a person residing at the premises, if such a person can be found; and
 3. 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.

Staff Summary of Public Testimony:

(In support) This bill adds an additional mechanism to serve an unlawful detainer notice by allowing for mailings outside of the county in which the property is located. Currently, the unlawful detainer notice must be mailed from the county in which the property is located. There are a lot of landlords who live in a different county from where their property is located who either need to hire a process server or drive to another county to mail a notice. This bill allows the landlord to mail a notice via certified mail, which protects tenants as well. The bill also provides additional time for service to be effectuated.

(Opposed) This bill is both redundant and legally not necessary. The language is also confusing because the federal government runs the post office, not the state. This bill does not help anybody and takes up time and taxpayer resources.

Persons Testifying: (In support) Representative Peter Abbarno, prime sponsor.

(Opposed) Kenton Gartrell.

Persons Signed In To Testify But Not Testifying:

Daniel Wulfkuhle; Michael Young; Anne Knapp; and Lauren Bisplinghoff.