
Judiciary Committee

HB 1856

Title: An act relating to protecting victims of sexual assault, sexual harassment, and stalking.

Brief Description: Providing certain procedures for tenants who are victims of sexual assault, sexual harassment, and stalking.

Sponsors: Representatives Kessler, Pedersen, Flannigan, Roberts, Kirby, Nelson, Ormsby, Carlyle, Green, Moeller, Springer, Williams, Appleton, Goodman, Kelley, Maxwell, Rodne, Driscoll, Kenney, Santos, O'Brien, Darneille and Morrell.

Brief Summary of Bill

- Extends a tenant's right to terminate a rental agreement without further obligation to cases in which a tenant or a household member is the victim of sexual assault, stalking, or sexual harassment by a landlord.
- Allows a tenant or household member who is the victim of sexual assault, stalking, or sexual harassment by a landlord to change or add locks to the tenant's dwelling and establishes procedures to be followed in such cases.

Hearing Date: 2/12/09

Staff: Kate Moeur White (786-5793); Courtney Barnes (786-7194)

Background:

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between tenants and landlords. The RLTA provides requirements, duties, rights, and remedies with respect to the landlord-tenant relationship.

The RLTA specifies certain circumstances under which a landlord or tenant may terminate a tenancy without further obligation under the rental or lease agreement. One of these circumstances allows a tenant or a household member who is a victim of domestic violence, sexual assault, or stalking to terminate a tenancy without further obligation under the agreement

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if: (1) the tenant provides the landlord with written notice that he or she was the victim of one of these acts within 90 days of the reported act or incident; and (2) the tenant either provides the landlord with a valid protection order or a written record that the incident was reported to a qualified third party. Qualified third parties include law enforcement officers, certain health professionals, employees of state courts, and licensed mental health professionals or other licensed counselors.

A tenant who terminates a rental or lease agreement as a result of domestic violence, sexual assault, or stalking is entitled to the return of the full deposit notwithstanding lease or rental provisions that allow forfeiture of a deposit for early termination.

Summary of Bill:

A tenant or a household member who is a victim of sexual assault, stalking, or sexual harassment by a landlord may terminate the rental agreement, is discharged from any further obligations regarding the payment of rent, and is entitled to a pro rata refund of any prepaid rent and a statement explaining the basis for the non-refund of any portion of the deposit. In order to be discharged of further obligation under the rental or lease agreement, a tenant must provide the landlord with written notice within 90 days of the incident and a copy of a valid protection order or report of the incident to a qualified third party.

"Sexual harassment" is defined as any sexual advance or request for sexual favors by a landlord that is conditioned on a term or condition of the tenancy or is used as a basis for decisions affecting the tenant. Sexual harassment includes any request for sexual favors in lieu of or in addition to the payment of rent or as a condition to the landlord performing repairs. "Landlord" is defined to include a landlord's employees.

A tenant or a household member who is the victim of sexual assault, stalking, or sexual harassment by a landlord and has reported the incident to a qualified third party is permitted to change or add locks to the tenant's dwelling at the tenant's expense. A tenant who changes or adds locks to the dwelling is required to provide a copy of the key to a qualified third party and is not discharged from the obligation to make rental payments. Within seven days of changing or adding locks, the tenant is required to provide the landlord with written notice and a copy of the protection order or a written record of the report. The landlord is prohibited from retaliating against the tenant in such situations.

Procedures are established in case of an emergency to allow a landlord to enter the tenant's dwelling without the tenant's consent if the landlord is accompanied by a law enforcement or fire official.

In the case of a non-emergency, procedures are established to allow a landlord entry into the tenant's dwelling, upon written request by the landlord, if escorted by a law enforcement officer.

Landlords are required to provide tenants with a written notice of tenants' rights established by the act.

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.