

FINAL BILL REPORT

SHB 1336

C 194 L 91
Synopsis As Enacted

Brief Description: Regulating the screening of prospective residential tenants.

By House Committee on Housing (originally sponsored by Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke).

House Committee on Housing
Senate Committee on Law & Justice

Background: State law regulates the handling of damage deposits that landlords charge prospective tenants, but does not address the imposition of other fees or charges. Landlords are not required to notify prospective tenants about information obtained during background checks.

Summary: A landlord is prohibited from requiring a fee from a prospective tenant for the privilege of being placed on a waiting list to be considered as a tenant for a dwelling unit.

A landlord may charge a prospective tenant for the costs of obtaining background information on the tenant. If the landlord uses a tenant screening service, then the landlord may charge for the costs incurred for using the screening service. If a landlord conducts his or her own screening of tenants, then the landlord may charge the actual costs incurred in obtaining the background information. The landlord may not charge more than the customary amount charged by an outside screening service in the general area.

A landlord may not charge a prospective tenant a fee for obtaining background information on the tenant unless the landlord: (1) notifies the prospective tenant of what a tenant screening entails, and the tenant's rights to dispute the accuracy of information provided to the landlord; and (2) gives the prospective tenant the name and address of the tenant screening service used by the landlord.

A landlord is not required to disclose information to the prospective tenant that is not required under the Federal Fair Credit and Reporting Act.

If a landlord charges a prospective tenant a fee or deposit to secure that the tenant will move into a dwelling unit after it has been offered to the tenant, then the transaction must be reduced to writing. The landlord must provide the prospective tenant with a receipt for the fee or deposit, together with a statement of the conditions, if any, under which the fee is refundable. If the tenant does occupy the dwelling unit, then the landlord must credit the fee or deposit to the tenant's first month's rent or to the tenant's security deposit.

A landlord who violates the provisions concerning application fees may be liable to the applicant for the amount of the fee or deposit charged, as well as an amount not to exceed \$100. The prevailing party may also recover court costs and reasonable attorneys' fees.

Votes on Final Passage:

House	95	0	
Senate	43	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 1991