

HOUSE BILL REPORT

HB 2297

*As Reported By House Committee on:
Housing*

Title: An act relating to the termination of rental agreements.

Brief Description: Providing for the expedited termination of certain rental agreements.

Sponsor(s): Representatives Fraser, Mitchell, Franklin, Ogden and Nelson.

Brief History:

Reported by House Committee on:
Housing, February 7, 1992, DPS.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 7 members: Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; and Ogden.

Staff: Bill Lynch (786-7092).

Background: Either a landlord or a tenant may terminate a rental agreement when the rent is payable on a month-to-month or other periodic basis by giving the other party 20 days written notice. The notice must be sent at least 20 days before the end of the month or other period when rent is payable.

When a tenant gives less than the requisite 20 days notice, the tenant often forfeits his or her damage deposit and last month's rent.

It has been suggested that a mechanism should be established so that tenants who feel they must move either because: (1) there has been a violation of a protective order, or (2) the tenant is threatened by another tenant with a firearm or deadly weapon; or (3) the tenant is threatened by the landlord with a firearm or other deadly weapon; can remain eligible to recover their damage deposits and last month's

rent if they terminate the rental agreement with less than the requisite 20 days notice.

Summary of Substitute Bill: A tenant can terminate a rental agreement and leave the premises and remain eligible for recovering his or her damage deposit and last month's rent if:

(1) A tenant has a valid protective order which has been violated by the person to be restrained since the tenant occupied the dwelling unit; and the tenant has notified law enforcement officials about the violation; and a copy of the protective order is available to the landlord.

(2) A tenant, or another tenant who shares a particular dwelling unit, has been threatened by another tenant with a firearm or deadly weapon, which resulted in an arrest; and the landlord fails to file an unlawful detainer action against the tenant who made the threats within seven days after receiving notice of the arrest from a law enforcement agency.

(3) A tenant is threatened by the landlord with a firearm or other deadly weapon, which resulted in an arrest of the landlord.

A landlord is not required to evict a tenant. A landlord may, however, proceed directly to an unlawful detainer action against any tenant who engaged in threatening behavior with a firearm or deadly weapon against another tenant or the landlord.

A law enforcement agency which arrests a tenant for threatening another tenant with a firearm or other deadly weapon, must make a reasonable attempt to identify and notify the landlord about the arrest in writing. The notification must be sent to the last address listed in the property tax records and at any other address known to the law enforcement agency.

A landlord may not be held liable in any cause of action for bringing an unlawful detainer action in good faith against a tenant for drug-related or threatening behavior.

Substitute Bill Compared to Original Bill: Landlords cannot be held liable for bringing an unlawful detainer action against a tenant who engages in drug related or threatening activity. A tenant can terminate the tenancy if threatened by the landlord with a deadly weapon. A landlord can proceed directly to an unlawful detainer action against a tenant who threatens the landlord with a deadly weapon.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect on June 1, 1992.

Testimony For: People should feel safe in their homes. Small children have been threatened. Domestic violence continues to be a major problem.

Testimony Against: Apartment owners shouldn't shoulder the burden of social problems. This is not an economic issue. Tenants who are threatened move in with family, friends, or shelters. Additional eviction powers should be given to the landlord.

Witnesses: Representative Karen Fraser; Pamela Derrick, tenant (supports); Deborah Senn, Washington State Coalition Against Domestic Violence, Northwest Women's Law Center (supports); Lonnie Johns-Brown, Washington State NOW (supports); Tim Seth, Washington Apartment Owners' Association (opposes); Arnold Fox, Washington Apartment Owners' Association (opposes without added eviction power); Rick Slunaker, Yakima Valley Rental Association (supports); Judith Fay, tenant (supports); and Mary Pontarolo, Washington State Coalition Against Domestic Violence (supports).