

HOUSE BILL REPORT

HB 1262

As Reported By House Committee On:
Trade, Economic Development & Housing

Title: An act relating to residential landlord-tenant duties.

Brief Description: Prohibiting local governments from making laws that change landlord-tenant duties.

Sponsors: Representatives Basich, Padden, Zellinsky, Foreman, Sheldon, Ludwig, Springer, Forner, Holm, Johanson and Kessler.

Brief History:

Reported by House Committee on:
Trade, Economic Development & Housing, March 3, 1993,
DPS.

HOUSE COMMITTEE ON TRADE, ECONOMIC DEVELOPMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Schoesler; Sheldon; Springer; and Wood.

Minority Report: Do not pass. Signed by 3 members: Representatives Wineberry, Chair; Conway; and Quall.

Staff: Kenny Pittman (786-7392).

Background: The Residential Landlord-Tenant Act covers most relationships that involve tenants who rent a place to live. However, certain renters are specifically excluded from the law. Those who are generally not covered by the Residential Landlord-Tenant Act include but, are not limited to: (a) renters of a space in a mobile home park, however, renters of both the space and a mobile home are usually covered; (b) tenants who have exercised an option to buy the dwelling; and (c) residents of housing provided as a condition of employment.

In 1981, the Legislature enacted legislation prohibiting cities and counties from imposing rent control on residences. The legislation exempted properties under joint public-private ownership, public management, or under joint

public-private agreements for the financing or provision of low-income housing. The Legislature also specifically exempted floating homes from the coverage of this law. With these exceptions, local governments are preempted from enacting local rent control ordinances.

Some local jurisdictions have enacted ordinances that affect the landlord-tenant relationship. The city of Seattle has adopted a "just cause" eviction ordinance that prohibits a landlord from evicting a tenant without having a reason. The city of Bellevue adopted an ordinance that prohibits discrimination in renting based upon whether a tenant is on public assistance.

It is suggested that local jurisdictions should not have the authority to adopt ordinances that affect the residential landlord-tenant relationship.

Summary of Substitute Bill: The Residential Landlord-Tenant Act is declared to cover all landlord-tenant relationships and duties. Locally adopted landlord-tenant ordinances that are inconsistent with, more restrictive than, or exceed the requirements of the state Residential Landlord-Tenant Act are preempted and repealed. When requested by the tenant, landlords must give a written reason for the eviction of the tenant. Names of other tenants that have complained to the landlord may not be included in the written reason for the eviction.

Substitute Bill Compared to Original Bill: The substitute bill requires the landlord to provide a written reason for the eviction when requested by the tenant.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The intent of the landlord-tenant law is to deal with residential relationships on a statewide basis. The law is a delicate balance between the needs of landlords and tenants. Any time a local government adds a requirement, it causes problems for all parties. The "just cause" eviction is an example of a local ordinance and makes landlords keep tenants that cause problems.

Testimony Against: This bill would have a negative impact on communities that have identified problems not covered by the state's landlord-tenant law. The removal of tenant protection would make them subject to evictions without cause. Local governments adopt ordinances to respond to unique needs in the community. Ordinances that require a

"just cause" eviction or that prohibit discrimination against public assistance recipients are examples of local responses to local problems. This bill would eliminate these and other local responses to landlord-tenant problems.

Witnesses: Representative Basich, prime sponsor (Pro); Ricky Todd (Pro); Arnold Fox, Rhonda Jeffery, and Mark Gjurasic, Washington Apartment Association (Pro); Harry Obedin, Samaras Associates, Inc. (Pro); Mark Paulsen, Grays Harbor Landlords Association (Pro); Jeanette Burrage, Northwest Legal Foundation (Pro); Edwin Zemler, Inland Empire Rental Association (Pro); Ray Burhen, and John Woodring, Washington Mobile Park Owners Association (Pro); Rick Slunaker, Yakima Valley Rental Association (Pro); Jerry Sheehan, American Civil Liberties Union (Con); Mike Doubleday and Bob Laird, city of Seattle (Con); and Irene Woo, Seattle Tenants Union (Con).