

HOUSE BILL ANALYSIS

SSB 5755

Title: An act relating to service of process in landlord-tenant disputes.

Brief Description: Authorizing service of process by posting in disputes involving mobile home landlords and tenants.

Sponsors: Senate Committee on Financial Institutions, Insurance & Housing (originally sponsored by Senator Swecker).

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: The Residential Landlord-Tenant Act (RLTA) and the Mobile Home Landlord-Tenant Act (MHLTA) establish duties of landlords and tenants and provide remedies when those duties are not met. For various reasons, a landlord may terminate a tenancy. If the tenant refuses to vacate the property, the landlord may bring an unlawful detainer action, which allows the landlord to evict the tenant and regain possession of the property after serving the tenant with a notice to vacate.

Under the RLTA, a plaintiff must attempt to serve notice of an action on the defendant personally. If, after the exercise of due diligence, the plaintiff is unable to personally serve the defendant, the court may authorize the plaintiff to post the notice in a conspicuous place on the premises and mail a copy, both by regular mail and certified mail, to the defendant's address. When service is accomplished by this alternative procedure, the court's jurisdiction is limited to restoring possession of the premises, and no money judgment may be entered against the defendant until the court obtains jurisdiction over the defendant.

The MHLTA requires a landlord to serve a tenant notice of the tenant's noncompliance with certain duties. The notice provision applies to notices of noncompliance and does not necessarily apply to service of process for unlawful detainer actions.

Summary of Bill: The alternative service of process provision in the RLTA applies to any unlawful detainer action or forcible entry action under the MHLTA.

Fiscal Note: Not requested.

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

Office of Program Research