

HOUSE BILL 2435

State of Washington

56th Legislature

2000 Regular Session

By Representatives Carrell and Pflug

Read first time 01/13/2000. Referred to Committee on Economic Development, Housing & Trade.

1 AN ACT Relating to termination of a residential rental tenancy; and
2 amending RCW 59.18.200.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 59.18.200 and 1979 ex.s. c 70 s 1 are each amended to
5 read as follows:

6 ~~((1))~~ When premises are rented for an indefinite time, with
7 monthly or other periodic rent reserved, such tenancy shall be
8 construed to be a tenancy from month to month, or from period to period
9 on which rent is payable, and shall not be terminated by ~~((written~~
10 ~~notice of twenty days or more, preceding the end of any of said months~~
11 ~~or periods, given by either party to the other.~~

12 ~~(2))~~ the owner except for one or more of the following reasons:

13 (1) The tenant fails to comply with a three-day notice to pay rent
14 or vacate pursuant to RCW 59.12.030(3); a ten-day notice to comply or
15 vacate pursuant to RCW 59.12.030(4); or a three-day notice to vacate
16 for waste, nuisance, or maintenance of an unlawful business or conduct
17 pursuant to RCW 59.12.030(5);

1 (2) The tenant habitually fails to pay rent when due which causes
2 the owner to notify the tenant in writing of late rent four or more
3 times in a twelve-month period;

4 (3) The tenant fails to comply with a ten-day notice to comply or
5 vacate that requires compliance with a material term of the rental
6 agreement or that requires compliance with a material obligation under
7 this chapter;

8 (4) The tenant habitually fails to comply with the material terms
9 of the rental agreement which causes the owner to serve a ten-day
10 notice to comply or vacate three or more times in a twelve-month
11 period;

12 (5) The owner seeks possession so that the owner or a member of his
13 or her immediate family may occupy the unit as that person's principal
14 residence and no substantially equivalent unit is vacant and available
15 in the same building. For purposes of this subsection, "immediate
16 family" means the owner's spouse, parents, grandparents, children,
17 brothers, and sisters of the owner, or of the owner's spouse. There
18 shall be a rebuttable presumption of a violation of this subsection if
19 the owner or a member of the owner's immediate family fails to occupy
20 the unit as that person's principal residence for at least sixty
21 consecutive days during the ninety days immediately after the tenant
22 vacated the unit pursuant to a notice of termination or eviction using
23 this subsection as the cause for eviction;

24 (6) The owner elects to sell a single-family dwelling unit and
25 gives the tenant at least sixty days' written notice prior to the date
26 set for vacating, which date shall coincide with the end of the term of
27 a rental agreement, or if the agreement is month-to-month, with the
28 last day of a monthly period. For purposes of this subsection, an
29 owner "elects to sell" when the owner makes reasonable attempts to sell
30 the dwelling within thirty days after the tenant has vacated,
31 including, at a minimum, listing it for sale at a reasonable price with
32 a realty agency or advertising it for sale at a reasonable price in a
33 newspaper of general circulation. There shall be a rebuttable
34 presumption that the owner did not intend to sell the unit if (a)
35 within thirty days after the tenant has vacated, the owner does not
36 list the single-family dwelling unit for sale at a reasonable price
37 with a realty agency or advertise it for sale at a reasonable price in
38 a newspaper of general circulation, or (b) within ninety days after the
39 date the tenant vacated or the date the property was listed for sale,

1 whichever is later, the owner withdraws the rental unit from the
2 market, rents the unit to someone other than the former tenant, or
3 otherwise indicates that the owner does not intend to sell the unit;

4 (7) The tenant's occupancy is conditioned upon employment on the
5 property and the employment relationship is terminated;

6 (8) The owner seeks to do substantial rehabilitation on the
7 dwelling that causes the unit to be uninhabitable during the
8 rehabilitation, provided that the owner must obtain necessary permits
9 from the applicable governmental entity, before terminating the
10 tenancy. Any tenants dispossessed pursuant to this subsection shall be
11 notified in writing by the owner at the time of vacating the unit that
12 the tenant has a right of first refusal for the rehabilitated unit.
13 The owner shall notify the tenant in writing, mailed by regular mail to
14 the last address provided by the tenant, when the unit is ready to be
15 reoccupied, and the tenant shall exercise such right of first refusal
16 within ten days of the owner's notice;

17 (9) Whenever a landlord plans to change any apartment or apartments
18 to a condominium form of ownership ((or plans to change to a policy of
19 excluding children)), the landlord shall give a written notice to a
20 tenant at least ninety days before termination of the tenancy ((to
21 effectuate such change in policy. Such ninety-day notice shall be in
22 lieu of the notice required by subsection (1) of this section:
23 PROVIDED, That if after giving the ninety-day notice the change in
24 policy is delayed, the notice requirements of subsection (1) of this
25 section shall apply unless waived by the tenant));

26 (10) An emergency order requiring that the housing unit be vacated
27 and closed that has been issued pursuant to an order by a governmental
28 entity; or

29 (11) The tenant engages in "criminal activity." For purposes of
30 this subsection, "criminal activity" means a criminal act defined by
31 statute or ordinance that threatens the health, safety, or welfare of
32 the tenants. An owner seeking to evict a tenant under this subsection
33 need not produce evidence of a criminal conviction, even if the alleged
34 misconduct constitutes a criminal offense. Notice from a law
35 enforcement agency of criminal activity constitutes sufficient grounds,
36 but not the only grounds, for an eviction under this subsection.

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