

SENATE BILL REPORT

SB 5898

As of February 16, 2001

Title: An act relating to cause for eviction under the landlord-tenant act.

Brief Description: Revising cause for eviction under the landlord-tenant act.

Sponsors: Senators Prentice, Fairley and Costa.

Brief History:

Committee Activity: Judiciary: 2/20/01.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Current law provides that a landlord or tenant may terminate a month-to-month tenancy by giving written notice to the other party 20 days or more preceding the end of any month period. The same procedure applies when premises are rented for an indefinite period of time. No reason need be given for the termination. The proponents of this bill believe landlords sometimes serve tenants with 20-day notices in retaliation for the tenant having asserted his or her rights.

If a tenant violates the duties of tenant– statute (RCW 58.18.130) and the noncompliance can substantially affect the health and safety of the tenant or other tenants or increase the hazards of fire or accident, he or she has 30 days to repair or remedy the noncompliance. If the tenant fails to do so, the landlord can enter the dwelling unit, cause the work to be done and give a bill to the tenant. If a tenant is in substantial noncompliance with the duties of tenant– statute, the landlord may commence an unlawful detainer action after the required service of notice. If the tenant remedies the noncomplying condition within 30 days or any shorter period determined at the unlawful detainer hearing, the tenant is liable to the landlord for attorney fees and costs.

Summary of Bill: A landlord may not terminate or fail to renew a tenancy except for one of the following reasons:

- Substantial or repeated violations of the rental agreement or violation of the tenant’s duties– under RCW 59.18.130. Notice is given to the tenant to cease violation immediately and if compliance does not ensue, the tenant must vacate within 15 days.
- Nonpayment of rent or other charges specified in the rental agreement upon five days notice to pay or vacate.
- Conviction of the tenant of a crime that threatens the health, safety, or welfare of other tenants. The tenant is given notice to vacate within 15 days.

- The tenant is engaging in criminal activity as defined in bill. The landlord may proceed directly to unlawful detainer action if criminal activity is alleged as basis of termination.
- The tenant's rental application contained a material misstatement that induced the landlord to approve the tenant.
- The landlord serves three 15-day notices within 12 months to comply or vacate for violation of the rental agreement.
- The tenant engages in disorderly or substantially annoying conduct that results in destruction of rights of others to enjoyment and use of premises. The tenant is given notice to comply immediately and must vacate in 15 days if fails to comply.
- The tenant creates a nuisance that affects the health, safety, and welfare of other tenants. The tenant is given notice to cease and must vacate in five days if fails to cease the conduct.
- Any other substantial, just cause that affects the health, safety, and welfare of other tenants. The tenant gets notice and if fails to comply, must vacate in 15 days.
- The tenant fails to pay rent by due date three or more times in a 12-month period after service of five-day notice to pay or vacate.

Appropriation: None.

Fiscal Note: Not requested.

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