
Judiciary Committee

HB 1012

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

Brief Description: Regarding residential landlord-tenant relationships.

Sponsors: Representatives Bush, Veloria, Miloscia, Kirby, Kenney, Dunshee and Conway.

Brief Summary of Bill

- Enables tenants to serve legal documents to landlords by sending the documents as certified mail to either: (a) the address on the property owner's tax statement, or (b) the address where the tenant mails rental payments.
- Only applies if the tenant is unable to determine the landlord's physical location from the address provided to the tenant by the landlord.

Hearing Date: 1/21/03

Staff: Derek Green (786-5793).

Background:

Washington's Residential Landlord-Tenant Act (RLTA) governs the relationship between the renter of residential property (tenant) and the property owner or property owner's agent (landlord). The Act outlines the specific duties of the landlord and tenant.

The RLTA requires a landlord to designate to the tenant the landlord's name and address by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant must be notified immediately of any changes by certified mail or by an updated posting. If the landlord does not reside in the state, the landlord shall also designate an agent for the purpose of being served with notice and process of a legal dispute. The agent must reside within the county where the property is located. If no person is designated, then the person who collects rental payments is considered the property owner's agent.

Washington law contains general rules outlining the proper procedures for serving defendants with legal documents. These rules include those required for service of process, the procedure by which a plaintiff serves a defendant with notice of the commencement of a

lawsuit. Under limited circumstances, state law allows the service of process by leaving a copy of a summons and complaint with a person at the defendant's "usual mailing address," and mailing a copy to that address as well. However, current law does not consider a post office box to be a "usual mailing address."

Summary of Bill:

Washington's Residential Landlord-Tenant Act is amended to allow service of a landlord by sending the legal documents by certified mail to the address posted on the property owner's tax statement or address provided to the tenant for payment of rent. This option can only be used if the tenant is unable to determine the physical location of the landlord from the required statement or posting, and shall be approved by a superior or district court.

The state law excluding post office boxes from a definition of a "usual mailing address" for service of process is amended to explicitly allow an exception for the service of landlords as described in this bill.

Appropriation: None.

Fiscal Note: Not Requested.

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