

HOUSE BILL REPORT

HB 1012

As Reported by House Committee On:
Judiciary

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 History:

Committee Activity:

Judiciary: 1/21/03, 1/31/03 [DPS].

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

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 RLTA 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 landlord'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 Substitute Bill:

Washington's Residential Landlord-Tenant Act is amended to allow service of a landlord by sending the legal documents by regular and certified mail to the address posted on the property owner's tax statement, address provided by the landlord to the tenant for payment of rent, or address provided by the landlord for service of notice or process. This option can only be used if the tenant, after exercising due diligence, is unable to determine the physical location of the landlord from the required statement, posting or notice provided by the landlord. The superior or district court with jurisdiction will deem service through this procedure adequate notice of the action.

The state law excluding post office boxes from the 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.

Substitute Bill Compared to Original Bill:

Adds the requirements that a tenant using service of process by mail, as specified in the bill, must first exercise due diligence to ascertain the landlord's physical location, and must serve landlords with both regular and certified mail. Expressly allows the additional option for tenants to serve legal documents by mailing to the address provided by the landlord for service of notice or process. Specifies that a court with jurisdiction will deem this procedure adequate notice.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: A similar bill has had wide support in the House in prior sessions. The bill is about justice; it provides an opportunity for tenants to serve landlords in very limited circumstances when there are no other options. It doesn't affect most landlords. The bill intentionally does not require a landlord to give a physical address because of safety concerns, but allows an alternative means for tenants to have redress.

Testimony Against: None.

Testified: (In support) Representative Bush, prime sponsor.