

SENATE BILL REPORT

2EHB 1645

As Reported By Senate Committee On:
Financial Services, Insurance & Housing, February 23, 2004

Title: An act relating to protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

Brief Description: Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

Sponsors: Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille.

Brief History:

Committee Activity: Financial Services, Insurance & Housing: 3/27/03; 2/23/04 [DPA].

SENATE COMMITTEE ON FINANCIAL SERVICES, INSURANCE & HOUSING

Majority Report: Do pass as amended.

Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Staff: Fara Daun (786-7459)

Background: There is concern that victims of domestic violence, sexual assault, and stalking may be forced to remain in unsafe situations because they are unable to terminate their residential lease or rental agreements. There is also concern that a tenant who is a victim of domestic violence, sexual assault, or stalking situation may be unable to obtain new housing because of his or her history as a victim of these crimes.

Summary of Amended Bill: A tenant who notifies the landlord in writing that he or she or a household member was a victim of domestic violence, sexual assault, or stalking and either has a valid protection order or a written record of the report made to a qualified third party may terminate his or her rental agreement and leave the premises without further obligation under the rental agreement. The request to terminate the rental agreement must occur within 90 days of the act, event or circumstance that gave rise to the protective order or report to a qualified third party.

A tenant who terminates a rental agreement under this provision is not responsible for rent after the end of the month in which he or she terminated the agreement and is entitled to return of his or her deposit. Other tenants who are parties to the rental agreement but not victims are not released from their obligations under the rental agreement.

A tenant who has obtained a court order granting him or her possession of a dwelling unit to the exclusion of one or more cotenants may request that a lock be replaced or reconfigured for a new key at his or her expense.

A landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the status of the tenant, applicant, or household member as a victim of domestic violence, sexual assault or stalking or because the tenant or applicant has terminated a rental agreement under the termination provision of this act. A landlord who refuses to enter a rental agreement in violation of this provision may be liable for damages sustained by the tenant or applicant and the prevailing party may recover court costs and reasonable attorney's fees. It is a defense to an unlawful detainer action that the action is undertaken because the tenant or household member is a victim or has terminated a rental agreement under this act.

Amended Bill Compared to Original Bill: The amendment corrects a cross reference.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill has been in process for several sessions and the provisions have been worked out to provide a balanced bill. It helps both tenants and landlords by helping victims get to safety and clarifying a landlord's rights and responsibilities. The issues in prior bills regarding the screening process have been resolved by allowing landlords the information about prospective tenants but denying them the right to reject an applicant on the basis of his or her status as a victim of sexual assault, domestic violence or stalking. This is workable for both tenants and landlords and also protects other tenants. It helps everyone involved in the rental industry.

Testimony Against: Allegations of domestic violence are not always true. This bill creates an exception for victims who might not be real victims under circumstances where the allegations have not yet been proved in court. Victims of other kinds of crimes will be asking for similar exceptions.

Testified: Representative Lynn Kessler, sponsor (pro); Dana Swenson, New Beginnings (pro); Lisa Scott, Taking Action Against Bias in the System & Olympic Rental Association (con); John Woodring, Rental Housing Association of Puget Sound (pro); Ron Newbry, Yakima Valley Landlords' Association (pro).