

---

HOUSE BILL 1645

---

State of Washington

58th Legislature

2003 Regular Session

By 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

Read first time 02/03/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to protection of victims of domestic violence,  
2 sexual assault, or stalking in the rental of housing; adding new  
3 sections to chapter 59.18 RCW; creating a new section; repealing RCW  
4 59.18.356; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

7 (1) Domestic violence, sexual assault, and stalking are widespread  
8 societal problems that have devastating effects for individual victims,  
9 their children, and their communities. Victims of violence may be  
10 forced to remain in unsafe situations because they are bound by  
11 residential lease agreements. The legislature finds that the inability  
12 of victims to terminate their rental agreements hinders or prevents  
13 victims from being able to safely flee domestic violence, sexual  
14 assault, or stalking. The legislature further finds that victims of  
15 these crimes who do not have access to safe housing are more likely to  
16 remain in or return to abusive or dangerous situations. Also, the  
17 legislature finds that victims of these crimes are further victimized  
18 when they are unable to obtain or retain rental housing due to their  
19 history as a victim of these crimes. The legislature further finds

1 that evidence that a prospective tenant has been a victim of domestic  
2 violence, sexual assault, or stalking is not relevant to the decision  
3 whether to rent to that prospective tenant.

4 (2) By this act, the legislature intends to increase safety for  
5 victims of domestic violence, sexual assault, and stalking by removing  
6 barriers to safety and offering protection against discrimination.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW  
8 to read as follows:

9 The definitions in this section apply throughout this section and  
10 sections 3 through 5 of this act unless the context clearly requires  
11 otherwise.

12 (1) "Domestic violence" has the same meaning as set forth in RCW  
13 26.50.010.

14 (2) "Sexual assault" has the same meaning as set forth in RCW  
15 70.125.030.

16 (3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

17 (4) "Qualified third party" means a law enforcement officer, person  
18 subject to the provisions of chapter 18.120 RCW, an employee of a court  
19 of the state, member of the clergy, attorney, social worker, licensed  
20 mental health professional or other licensed counselor, or advocate  
21 working at an agency that assists victims of domestic violence, sexual  
22 assault, or stalking.

23 (5) "Household member" means a child or adult residing with the  
24 tenant other than the perpetrator of domestic violence, stalking, or  
25 sexual assault.

26 (6) "Tenant screening service provider" means any nongovernmental  
27 agency that provides, for a fee, background information on prospective  
28 tenants to landlords.

29 (7) "Credit reporting agency" has the same meaning as set forth in  
30 RCW 19.182.010(5).

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18 RCW  
32 to read as follows:

33 (1)(a) If a tenant notifies the landlord in writing that he or she  
34 or a household member is a victim of domestic violence, sexual assault,  
35 or stalking, and either (a)(i) or (ii) of this subsection applies, then  
36 subsection (2) of this section applies:

1 (i) The tenant or the household member has a valid order for  
2 protection under one or more of the following: Chapters 26.50 or 26.26  
3 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or  
4 26.09.050; or

5 (ii) The tenant or the household member has reported the domestic  
6 violence, sexual assault, or stalking to a qualified third party acting  
7 in his or her official capacity.

8 (b) When a copy of the order for protection, police report, or  
9 verification of a report to a qualified third party, as required under  
10 (a) of this subsection, is made available to the landlord, the tenant  
11 may terminate the rental agreement and quit the premises without  
12 further obligation under the rental agreement or under chapter 59.12  
13 RCW. However, the request to terminate the rental agreement must occur  
14 within ninety days of a reported act, event, or circumstance that gave  
15 rise to the protective order or report to a qualified third party.  
16 Verification of the report to a qualified third party may consist of a  
17 document signed and dated by the third party stating that the tenant  
18 notified him or her of an act or acts of domestic violence, sexual  
19 assault, or stalking. Verification may also be accomplished by  
20 completion of a form provided by the qualified third party. The form  
21 must be in substantially the following form:

22 .....  
23 [Name of organization, agency, clinic, professional service provider]

24 I and/or my ..... (household member) am/is a victim of  
25 ... domestic violence as defined by RCW 26.50.010.  
26 ... sexual assault as defined by RCW 70.125.030.  
27 ... stalking as defined by RCW 9A.46.110.

28 The incident(s) that I rely on in support of this declaration occurred on the following date(s): .....

29 I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

30 Dated at ..... (city) .., Washington, this ... day of ....., 20..

31 .....  
32 Signature of Tenant

33 I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.---  
34 (section 3 of this act) and that the individual informed me of his or her status as a victim of domestic violence, sexual  
35 assault, or stalking on this ... day of ....., 20..

1 .....  
2 Signature of authorized  
3 officer/employee of  
4 (Organization, agency,  
5 clinic, professional  
6 service provider)

7 (2) A tenant who terminates a rental agreement under this section  
8 is discharged from the payment of rent for any period following the  
9 last day of the month of the quitting date. The tenant shall remain  
10 liable for the rent for the month in which he or she terminated the  
11 rental agreement unless the termination is in accordance with RCW  
12 59.18.200(1). Notwithstanding lease provisions that allow for  
13 forfeiture of a deposit for early termination, a tenant who terminates  
14 under this section is entitled to the return of the full deposit,  
15 subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties  
16 to the rental agreement, except household members who are the victims  
17 of sexual assault, stalking, or domestic violence, are not released  
18 from their obligations under the rental agreement or other obligations  
19 under this chapter.

20 (3) The provision of verification of a report under subsection  
21 (1)(b) of this section does not waive the confidential or privileged  
22 nature of the communication between a victim of domestic violence,  
23 sexual assault, or stalking with a qualified third party pursuant to  
24 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence  
25 obtained from such disclosure may be used in any civil, administrative,  
26 or criminal proceeding against the victim unless a written waiver of  
27 applicable evidentiary privilege is obtained, except that the  
28 verification itself, and no other privileged information, under  
29 subsection (1)(b) of this section may be used in civil proceedings  
30 brought under this section.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.18 RCW  
32 to read as follows:

33 (1) A landlord may not terminate a tenancy, fail to renew a  
34 tenancy, or refuse to enter into a rental agreement based on the  
35 tenant's or applicant's or a household member's status as a victim of

1 domestic violence, sexual assault, or stalking, or based on the tenant  
2 or applicant having terminated a rental agreement under section 2 of  
3 this act.

4 (2) A landlord who refuses to enter into a rental agreement in  
5 violation of this section may be liable to the tenant or applicant in  
6 a civil action for damages sustained by the tenant or applicant. The  
7 prevailing party may also recover court costs and reasonable attorneys'  
8 fees.

9 (3) It is a defense to an unlawful detainer action under chapter  
10 59.12 RCW that the action to remove the tenant and recover possession  
11 of the premises is in violation of subsection (1) of this section.

12 (4) This section does not prohibit adverse housing decisions based  
13 upon other lawful factors within the landlord's knowledge.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 59.18 RCW  
15 to read as follows:

16 (1) A tenant screening service provider or credit reporting agency  
17 shall not include information about a prospective tenant or household  
18 member in a written or oral report to a landlord pertaining to the fact  
19 that the subject of the report is a victim of domestic violence, sexual  
20 assault, or stalking, and/or protected by a court order, including but  
21 not limited to: Orders entered under chapters 26.50, 9A.46, 10.14,  
22 10.99, 26.09, and 26.26 RCW.

23 (2) A tenant screening service provider or credit reporting agency  
24 who violates this section may be liable in a civil action for damages  
25 sustained by the subject of the report. The prevailing party may  
26 recover court costs and reasonable attorneys' fees.

27 (3) The legislature finds that the practices covered by this  
28 section are matters vitally affecting the public interest for the  
29 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
30 violation of this section is not reasonable in relation to the  
31 development and preservation of business and is an unfair or deceptive  
32 act in trade or commerce and an unfair method of competition for the  
33 purpose of applying the consumer protection act, chapter 19.86 RCW.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 59.18 RCW  
35 to read as follows:

36 (1) A tenant who has obtained a court order from a court of

1 competent jurisdiction granting him or her possession of a dwelling  
2 unit to the exclusion of one or more cotenants may request that a lock  
3 be replaced or configured for a new key at the tenant's expense. The  
4 landlord shall, if provided a copy of the order, comply with the  
5 request and shall not provide copies of the new keys to the tenant  
6 restrained or excluded by the court's order. This section does not  
7 release a cotenant, other than a household member who is the victim of  
8 domestic violence, sexual assault, or stalking, from liability or  
9 obligations under the rental agreement.

10 (2) A landlord who replaces a lock or configures for a new key of  
11 a residential housing unit in accordance with subsection (1) of this  
12 section shall be held harmless from liability for any damages that  
13 result directly from the lock change.

14 NEW SECTION. **Sec. 7.** RCW 59.18.356 (Threatening behavior--  
15 Violation of order for protection--Termination of agreement--Financial  
16 obligations) and 1992 c 38 s 7 are each repealed.

17 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

--- END ---