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**SUBSTITUTE SENATE BILL 5524**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Kline, Prentice, Regala, Roach, Keiser, Esser, Zarelli, Winsley, Reardon, Rasmussen, Kohl-Welles, Schmidt and Shin)

READ FIRST TIME 02/17/03.

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 new sections; 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 rental agreements. The legislature finds that the  
12 inability of victims to terminate their rental agreements hinders or  
13 prevents victims from being able to safely flee domestic violence,  
14 sexual assault, or stalking. The legislature further finds that  
15 victims of these crimes who do not have access to safe housing are more  
16 likely to remain in or return to abusive or dangerous situations.  
17 Also, the legislature finds that victims of these crimes are further  
18 victimized when they are unable to obtain or retain rental housing due  
19 to their history as a victim of these crimes. The legislature further

1 finds that evidence that a prospective tenant has been a victim of  
2 domestic violence, sexual assault, or stalking is not relevant to the  
3 decision 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 and 4 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, licensed mental health professional or other licensed  
20 counselors, advocates working at an agency that assists victims of  
21 domestic violence, sexual assault, or stalking, or other recognized  
22 professionals including clergy, attorneys, and social workers who have  
23 substantial experience or expertise in working with victims of domestic  
24 violence, sexual assault, or stalking.

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

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

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

34 (i) The tenant or the household member has a valid order for  
35 protection under one or more of the following: Chapters 26.50 or 26.26

1 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or  
2 26.09.050; or

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

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

20 .....

21 [Name of organization, agency, clinic, professional service provider]

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

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

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

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

29 .....  
30 Signature of Tenant

31 I verify that the individual informed me of his or her status as a victim of domestic violence, sexual assault, or  
32 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 rental agreement provisions that allow  
13 for forfeiture of a deposit for early termination, a tenant who  
14 terminates under this section is entitled to the return of the full  
15 deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are  
16 parties to the rental agreement, except household members who are the  
17 victims of sexual assault, stalking, or domestic violence, are not  
18 released from their obligations under the rental agreement or other  
19 obligations 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 based on the tenant's or  
34 household member's status as a victim of domestic violence, sexual  
35 assault, or stalking as long as the victim has a valid order of  
36 protection against the perpetrator as defined in section 3(1)(a)(i) of  
37 this act.

1 (2) A landlord may not fail to renew a tenancy, or refuse to enter  
2 into a rental agreement based on the tenant's or applicant's or a  
3 household member's status as a victim of domestic violence, sexual  
4 assault, or stalking, or based on the tenant or applicant having  
5 terminated a rental agreement under section 2 of this act.

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

11 (4) It is a defense to an unlawful detainer action under chapter  
12 59.12 RCW that the action to remove the tenant and recover possession  
13 of the premises is in violation of subsection (1) or (2) of this  
14 section.

15 (5) This section does not limit the rights of landlords, tenants,  
16 or prospective tenants as otherwise provided in the residential  
17 landlord-tenant act, chapter 59.18 RCW, or other applicable laws.

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

20 (1) A tenant who has obtained a court order from a court of  
21 competent jurisdiction granting him or her possession of a dwelling  
22 unit to the exclusion of one or more cotenants may request that a lock  
23 be replaced or configured for a new key at the tenant's expense. The  
24 landlord shall, if provided a copy of the order, comply with the  
25 request and shall not provide copies of the new keys to the tenant  
26 restrained or excluded by the court's order. This section does not  
27 release a cotenant, other than a household member who is the victim of  
28 domestic violence, sexual assault, or stalking, from liability or  
29 obligations under the rental agreement.

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

34 NEW SECTION. **Sec. 6.** This act does not limit the rights of  
35 landlords, tenants, or prospective tenants as otherwise provided in the

1 residential landlord-tenant act, chapter 59.18 RCW, or other applicable  
2 laws.

3 NEW SECTION. **Sec. 7.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 8.** RCW 59.18.356 (Threatening behavior--  
8 Violation of order for protection--Termination of agreement--Financial  
9 obligations) and 1992 c 38 s 7 are each repealed.

10 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and takes effect  
13 immediately.

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