

SENATE BILL REPORT

SB 5479

As Reported By Senate Committee On:
Financial Institutions, Housing & Consumer Protection, February 24, 2005

Title: An act relating to time periods in landlord/tenant actions.

Brief Description: Revising time periods in landlord/tenant actions. [Revised for 1st Substitute: Changing provisions relating to the unlawful detainer process under the residential landlord-tenant act.]

Sponsors: Senators Berkey, Benton, Prentice, Esser and McAuliffe.

Brief History:

Committee Activity: Financial Institutions, Housing & Consumer Protection: 2/2/05, 2/24/05[DPS].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Ranking Minority Member; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel.

Staff: Jennifer Arnold (786-7471)

Background: Courts are governed by the rules of civil procedure. In interpreting periods of time, the rules provide that if a period of less than seven days is used in any applicable statute, court order, or rule, weekends and legal holidays are not included; however, if a period of seven or more days is used, weekends and legal holidays are included. There are concerns that the rules of civil procedure, which are not contained in the statutes, may cause confusion in regards to giving timely notice of eviction proceedings, as it is unclear on the face of the statute when weekends are and are not included.

A summons issued in the case of a forcible or unlawful detainer or forcible entry, must provide the date on which the summons is to be returned, the date cannot be less than six days, nor more than twelve days from the date of service.

A judicial order for a show cause hearing in cases of forcible entry and forcible or unlawful detainer must be set to take place not less than six nor more than twelve days, calculated from the date that the order is served upon the defendant.

Summary of Substitute Bill: A summons for a forcible entry, or forcible or unlawful detainer, must provide that the summons is to be returned on a specified date, which is at least seven and not more than 30 days from the date of service. Further, an order for a show cause hearing for forcible entry, or forcible or unlawful detainer, must set a date that is at least seven

days from the date the order is served. Therefore, weekends and legal holidays, according to the governing rules of civil procedure, will be included when determining whether the statutory time frame was satisfied.

Defendants may serve, in reply to an eviction summons, a copy of an answer, notice of appearance, or a sworn statement regarding non-payment of rent by fax. Service by fax is complete upon successful transmission to the number provided on the summons.

Technical corrections are made to remove obsolete terms and to provide that the statutes addressing forcible entry and forcible and unlawful detainer are gender neutral.

Substitute Bill Compared to Original Bill: An end date of 30 days is added to the time in which a defendant must return an answer or notice of appearance for an eviction hearing. An option for the defendant to reply to a summons for unlawful detainer by fax is created. Technical corrections to remove obsolete terms are made.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This would make the law transparently clear to both landlords and tenants. A landlord should be able to look at the statute and know what it means. The statutes must be changed to comply with court rulings. This is common sense legislation.

Testimony Against: The time frame is already short; there are many other ways to evict currently, such as for drugs, where time is not needed. However, tenants with legitimate complaints must find an attorney to represent them and there is not enough time to deal with the legal process between relocating and working.

Other: Seven is less than six, because six is really eight. Service by fax would also be useful when a landlord's attorney is outside the county. There should be an end date in order to provide that service cannot be made too far out.

Who Testified: PRO: Senator Berkey, prime sponsor; Joe Puckett, Washington Multi-family Housing Association.

CON: Pat Tassoni, Tenants Union. OTHER: Bruce Neas, Columbia Legal Services; Nick Federici, Washington Low-Income Housing Alliance.