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## Judiciary Committee

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### HB 1800

**Title:** An act relating to tenants of real property.

**Brief Description:** Revising provisions affecting tenants of real property.

**Sponsors:** Representatives Lovick, Warnick, Grant, Crouse, Kessler, Rolfes and Moeller.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Provides that a tenant is subject to unlawful detainer if the tenant provides a material misstatement in the application for tenancy.</li></ul>
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**Hearing Date:** 2/13/07

**Staff:** Trudes Tango (786-7384).

**Background:**

The Residential Landlord-Tenant Act (RLTA) governs the relationship between landlords and tenants of residential dwelling units, establishes the duties and liabilities of the parties, and provides procedures for each side to enforce its rights. A tenant's duties include, for example, the duty to keep the premises clean, not intentionally destroy property, maintain smoke detector devices, and not engage in certain activity that is dangerous to others.

The landlord may terminate a tenancy if there has been a substantial noncompliance with the tenant's duties. The landlord must give the tenant written notice before termination and, depending upon the circumstances, allow the tenant time to come into compliance. If the tenant does not comply and continues to be in possession of the property, the tenant may be guilty of unlawful detainer.

An unlawful detainer action is a court procedure to evict a tenant who remains on the rental premises beyond the time he or she is required to leave. The landlord must serve the tenant with a summons and complaint, which must designate a specific date by which the tenant must respond. The landlord may also request a show cause hearing directing the tenant to appear in court and show why a writ of restitution (an order directing the sheriff to physically evict the

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tenant) should not be issued. The court will examine the parties at the show cause hearing and ascertain whether the landlord has the right to be restored to possession of the property. Once a writ of restitution is ordered, the sheriff has a certain amount of time to physically evict the tenant.

**Summary of Bill:**

The tenant has a duty not to provide false, inaccurate, or misleading information during the application process for tenancy. A tenant is guilty of unlawful detainer when he or she provides a material misstatement in the application for tenancy that induces the landlord or owner to approve the tenant as a resident and the landlord or owner discovers and acts upon the misstatement within one year of the time the tenant began paying rent.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.