

SENATE BILL REPORT

SB 6772

As Reported by Senate Committee On:
Financial Institutions, Housing & Insurance, February 3, 2010

Title: An act relating to service of notice requirements under the residential landlord-tenant act.

Brief Description: Modifying service of notice requirements under the residential landlord-tenant act.

Sponsors: Senator Benton.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/02/10, 2/03/10 [DP].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: Do pass.

Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Ranking Minority Member; Franklin, McDermott, Parlette and Schoesler.

Staff: Alison Mendiola (786-7483)

Background: A tenant of residential rental property may be sued for unlawful detainer (commonly known as eviction) for a number of reasons provided in statute including to failing to pay rent. To start this process, a landlord is to deliver a three-day notice to pay rent or vacate the premises.

Service of Notice. When a landlord starts the unlawful detainer process, the landlord is to serve the tenant with notice of the action by either: (1) delivering a copy of the notice to the tenant in person; (2) if the tenant is not home, a copy of the notice may be left with a person of suitable age and a copy must also be mailed to the tenant; or (3) if the tenant cannot be found and there is not someone of a suitable age, a copy of the notice may be placed in a conspicuous location and as well as delivering a copy to a person on the property, if such a person can be found, and sending a copy of the notice through the mail.

A landlord must strictly comply with the notice requirements in order for the court to have jurisdiction over the unlawful detainer proceedings.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The service of notice statute is revised to state that if there are two or more tenants entitled to receive notice, a jointly addressed copy of the notice can be provided, whether personally delivered, mailed, or posted.

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.

Staff Summary of Public Testimony: PRO: This bill simplifies the notice process. For example, if a husband and wife are on the lease, they can be served by one notice that includes both names. The bill is borderline technical.

CON: The bill is not needed as the notice statute is straightforward and has been in existence since Washington was a territory. If notice to multiple tenants can be accomplished by one notice, the other tenant(s) may not receive notice so they wouldn't know to move out or correct the problem. This bill is a result of an unpublished opinion where one notice was served where two people were entitled to receive notice. The court found this was not sufficient notice.

Persons Testifying: PRO: Senator Benton, prime sponsor.

CON: Greg Provenzano, Columbia Legal Services.