

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1663

61st Legislature
2009 Regular Session

Passed by the House March 11, 2009
Yeas 72 Nays 24

Speaker of the House of Representatives

Passed by the Senate April 8, 2009
Yeas 29 Nays 18

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1663** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1663

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Springer, Simpson, Roberts, Miloscia, Nelson, Ormsby, and Santos)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to creating relocation assistance rights for
2 nontransient residents of hotels, motels, or other places of transient
3 lodging that are shut down by government action; and amending RCW
4 59.18.085.

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

6 **Sec. 1.** RCW 59.18.085 and 2005 c 364 s 2 are each amended to read
7 as follows:

8 (1) If a governmental agency responsible for the enforcement of a
9 building, housing, or other appropriate code has notified the landlord
10 that a dwelling is condemned or unlawful to occupy due to the existence
11 of conditions that violate applicable codes, statutes, ordinances, or
12 regulations, a landlord shall not enter into a rental agreement for the
13 dwelling unit until the conditions are corrected.

14 (2) If a landlord knowingly violates subsection (1) of this
15 section, the tenant shall recover either three months' periodic rent or
16 up to treble the actual damages sustained as a result of the violation,
17 whichever is greater, costs of suit, or arbitration and reasonable
18 attorneys' fees. If the tenant elects to terminate the tenancy as a

1 result of the conditions leading to the posting, or if the appropriate
2 governmental agency requires that the tenant vacate the premises, the
3 tenant also shall recover:

- 4 (a) The entire amount of any deposit prepaid by the tenant; and
- 5 (b) All prepaid rent.

6 (3)(a) If a governmental agency responsible for the enforcement of
7 a building, housing, or other appropriate code has notified the
8 landlord that a dwelling will be condemned or will be unlawful to
9 occupy due to the existence of conditions that violate applicable
10 codes, statutes, ordinances, or regulations, a landlord, who knew or
11 should have known of the existence of these conditions, shall be
12 required to pay relocation assistance to the displaced tenants except
13 that:

14 (i) A landlord shall not be required to pay relocation assistance
15 to any displaced tenant in a case in which the condemnation or no
16 occupancy order affects one or more dwelling units and directly results
17 from conditions caused by a tenant's or any third party's illegal
18 conduct without the landlord's prior knowledge;

19 (ii) A landlord shall not be required to pay relocation assistance
20 to any displaced tenant in a case in which the condemnation or no
21 occupancy order affects one or more dwelling units and results from
22 conditions arising from a natural disaster such as, but not
23 exclusively, an earthquake, tsunami, wind storm, or hurricane; and

24 (iii) A landlord shall not be required to pay relocation assistance
25 to any displaced tenant in a case in which a condemnation affects one
26 or more dwelling units and the tenant's displacement is a direct result
27 of the acquisition of the property by eminent domain.

28 (b) Relocation assistance provided to displaced tenants under this
29 subsection shall be the greater amount of two thousand dollars per
30 dwelling unit or three times the monthly rent. In addition to
31 relocation assistance, the landlord shall be required to pay to the
32 displaced tenants the entire amount of any deposit prepaid by the
33 tenant and all prepaid rent.

34 (c) The landlord shall pay relocation assistance and any prepaid
35 deposit and prepaid rent to displaced tenants within seven days of the
36 governmental agency sending notice of the condemnation, eviction, or
37 displacement order to the landlord. The landlord shall pay relocation
38 assistance and any prepaid deposit and prepaid rent either by making

1 individual payments by certified check to displaced tenants or by
2 providing a certified check to the governmental agency ordering
3 condemnation, eviction, or displacement, for distribution to the
4 displaced tenants. If the landlord fails to complete payment of
5 relocation assistance within the period required under this subsection,
6 the city, town, county, or municipal corporation may advance the cost
7 of the relocation assistance payments to the displaced tenants.

8 (d) During the period from the date that a governmental agency
9 responsible for the enforcement of a building, housing, or other
10 appropriate code first notifies the landlord of conditions that violate
11 applicable codes, statutes, ordinances, or regulations to the time that
12 relocation assistance payments are paid to eligible tenants, or the
13 conditions leading to the notification are corrected, the landlord may
14 not:

15 (i) Evict, harass, or intimidate tenants into vacating their units
16 for the purpose of avoiding or diminishing application of this section;

17 (ii) Reduce services to any tenant; or

18 (iii) Materially increase or change the obligations of any tenant,
19 including but not limited to any rent increase.

20 (e) Displaced tenants shall be entitled to recover any relocation
21 assistance, prepaid deposits, and prepaid rent required by (b) of this
22 subsection. In addition, displaced tenants shall be entitled to
23 recover any actual damages sustained by them as a result of the
24 condemnation, eviction, or displacement that exceed the amount of
25 relocation assistance that is payable. In any action brought by
26 displaced tenants to recover any payments or damages required or
27 authorized by this subsection (3)(e) or (c) of this subsection that are
28 not paid by the landlord or advanced by the city, town, county, or
29 municipal corporation, the displaced tenants shall also be entitled to
30 recover their costs of suit or arbitration and reasonable attorneys'
31 fees.

32 (f) If, after sixty days from the date that the city, town, county,
33 or municipal corporation first advanced relocation assistance funds to
34 the displaced tenants, a landlord has failed to repay the amount of
35 relocation assistance advanced by the city, town, county, or municipal
36 corporation under (c) of this subsection, then the city, town, county,
37 or municipal corporation shall assess civil penalties in the amount of

1 fifty dollars per day for each tenant to whom the city, town, county,
2 or municipal corporation has advanced a relocation assistance payment.

3 (g) In addition to the penalties set forth in (f) of this
4 subsection, interest will accrue on the amount of relocation assistance
5 paid by the city, town, county, or municipal corporation for which the
6 property owner has not reimbursed the city, town, county, or municipal
7 corporation. The rate of interest shall be the maximum legal rate of
8 interest permitted under RCW 19.52.020, commencing thirty days after
9 the date that the city, town, county, or municipal corporation first
10 advanced relocation assistance funds to the displaced tenants.

11 (h) If the city, town, county, or municipal corporation must
12 initiate legal action in order to recover the amount of relocation
13 assistance payments that it has advanced to low-income tenants,
14 including any interest and penalties under (f) and (g) of this
15 subsection, the city, town, county, or municipal corporation shall be
16 entitled to attorneys' fees and costs arising from its legal action.

17 (4) The governmental agency that has notified the landlord that a
18 dwelling will be condemned or will be unlawful to occupy shall notify
19 the displaced tenants that they may be entitled to relocation
20 assistance under this section.

21 (5) No payment received by a displaced tenant under this section
22 may be considered as income for the purpose of determining the
23 eligibility or extent of eligibility of any person for assistance under
24 any state law or for the purposes of any tax imposed under Title 82
25 RCW, and the payments shall not be deducted from any amount to which
26 any recipient would otherwise be entitled under Title 74 RCW.

27 (6)(a) A person whose living arrangements are exempted from this
28 chapter under RCW 59.18.040(3) and who has resided in or occupied one
29 or more dwelling units within a hotel, motel, or other place of
30 transient lodging for thirty or more consecutive days with the
31 knowledge and consent of the owner of the hotel, motel, or other place
32 of transient lodging, or any manager, clerk, or other agent
33 representing the owner, is deemed to be a tenant for the purposes of
34 this section and is entitled to receive relocation assistance under the
35 circumstances described in subsection (2) or (3) of this section except
36 that all relocation assistance and other payments shall be made
37 directly to the displaced tenants.

1 (b) An interruption in occupancy primarily intended to avoid the
2 application of this section does not affect the application of this
3 section.

4 (c) An occupancy agreement, whether oral or written, in which the
5 provisions of this section are waived is deemed against public policy
6 and is unenforceable.

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