
Judiciary Committee

HB 1529

Title: An act relating to the disclosure of certain information when screening tenants.

Brief Description: Concerning the disclosure of certain information when screening tenants.

Sponsors: Representatives Stanford, Jinkins, McCoy, Riccelli, Fitzgibbon, Reykdal, Pollet, Orwall and Roberts.

Brief Summary of Bill

- Prohibits a tenant screening service provider from disclosing:
 - A tenant's, applicant's, or household member's status as a victim of domestic violence, sexual assault, or stalking; or
 - That a tenant or applicant has previously terminated a rental agreement pursuant to the provision that allows a victim of domestic violence, sexual assault, or stalking to do so.
- Restricts disclosures that a tenant screening company may make regarding outcomes of prior unlawful detainer actions involving a tenant, applicant, or household member.

Hearing Date: 2/14/13

Staff: Cece Clynch (786-7195).

Background:

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between tenants and landlords. The RLTA sets forth requirements, duties, rights, and remedies with respect to the landlord-tenant relationship.

Victims of Domestic Violence, Sexual Assault, or Stalking.

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.

The RLTA specifically allows a tenant to terminate a rental agreement without further obligation under the tenancy agreement if the tenant or a household member is a victim of a crime of domestic violence, sexual assault, or stalking and if:

- the tenant or household member has a valid order of protection or has reported the domestic violence, sexual assault, or stalking to a "qualified third party" who has a written record of the report; and
- the request to terminate was made within 90 days of the reported act or event that led to the protection order or report to a qualified third party.

"Qualified third party" means law enforcement, health professionals, court employees, licensed mental health professionals or counselors, trained advocates for crime victim/witness programs, or clergy.

Under the RLTA, a landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement with a person based on that person's or a household member's status as a victim of domestic violence, sexual assault, or stalking or based on the person having previously terminated a rental agreement pursuant to the above provision that allows a victim of domestic violence, sexual assault, or stalking to do so. A landlord who refuses to enter into a rental agreement under these circumstances may be liable to the tenant in a civil action for damages.

For purposes of the RLTA provisions regarding victims of domestic violence, sexual assault, and stalking, "tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.

Tenant Screening.

"Tenant screening" under the RLTA means using a consumer report or other information about a prospective tenant in determining whether to rent to the tenant. A "tenant screening report" means a consumer report as defined under the Fair Credit Reporting Act and any other information collected by a tenant screening service.

Landlords may engage in tenant screening to evaluate potential tenants, either by conducting their own searches of public records or by using a tenant screening service to obtain a report on a tenant. Prior to commencing screening, a prospective landlord must notify a prospective tenant about the:

- Kind of information that will be accessed;
- Criteria that may result in denial of the application; and
- Name and address of the consumer reporting agency, if any is used, along with notice to the prospective tenant of his or her right, in the event of an adverse action, to a free copy of the consumer report and the opportunity to dispute the report's information.

Adverse action must be reported to a prospective tenant in a written form that substantially complies with the statutory form. This writing must disclose the basis for the adverse action, including whether it was based on information received from:

- consumer credit reports;
- criminal records;
- previous rental history or references; and/or
- civil records.

Summary of Bill:

Disclosures Related to Victims of Domestic Violence, Sexual Assault, or Stalking.

A tenant screening service provider may not disclose:

- a tenant's, applicant's, or household member's status as a victim of domestic violence, sexual assault, or stalking; or
- that a tenant or applicant has previously terminated a rental agreement pursuant to the provision that allows a victim of domestic violence, sexual assault, or stalking to do so.

A tenant screening service provider who violates these disclosure provisions may be liable to the tenant or applicant in a civil action for damages sustained by the tenant or applicant. The prevailing party in such an action may recover court costs and reasonable attorneys' fees.

Disclosure Related to Prior Unlawful Detainer Actions.

Provisions are put in the RLTA regarding what a tenant screening company may and may not disclose in a tenant screening report with respect to outcomes in prior unlawful detainer actions involving a tenant, applicant, or household member. With respect to prior unlawful detainer action outcomes, a tenant screening company may *only* report or disclose a:

- default judgment;
- consent judgment; or
- judgment after hearing or trial.

Tenant screening companies may *not* report or disclose:

- a dismissal after hearing or trial;
- a dismissal other than after a hearing or trial;
- a judgment and reinstatement; or
- an order setting trial, whether or not a writ of restitution was issued.

A tenant screening company that violates the nondisclosure provisions may be liable to the tenant or applicant in a civil action for damages sustained by the tenant or applicant. The prevailing party in such an action may recover court costs and reasonable attorneys' fees.

Appropriation: None.

Fiscal Note: Not requested.

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