

HOUSE BILL REPORT

SSB 5568

As Reported by House Committee On: Judiciary

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: Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Kohl-Welles, Billig, Frockt, Chase, Harper, Hasegawa, Keiser, Shin, Kline and Nelson).

Brief History:

Committee Activity:

Judiciary: 3/20/13, 4/2/13 [DP].

Brief Summary of Substitute 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
 - knowingly disclosing that a tenant, applicant, or household member has previously terminated a rental agreement pursuant to the provision that allows a victim of domestic violence, sexual assault, or stalking to do so.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Cece Clynch (786-7195).

Background:

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 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.

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 the tenant's, applicant'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 or applicant 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.

Summary of Bill:

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
- knowingly disclose 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.

Volunteer disclosure, by an applicant, of any victim circumstances is not prohibited.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on January 1, 2014.

Staff Summary of Public Testimony:

(In support) This is an awesome bill. It builds on past legislation, allows victims to move on, and removes the stigma. It was very difficult to get the bill out of the Senate, and in order to move the bill the cause of action was removed. Adding that cause of action back in would likely doom any chances of getting it passed in the Senate. The "knowingly" language came from the landlords and was agreed to by the tenants. It includes a delayed effective date in order to allow time for the tenant screening providers to update their databases. Some applicants do voluntarily reveal that they were, in the past, victims of domestic violence and they do this in order to explain why their credit may not be perfect. For that reason, the provision regarding voluntary disclosure by a tenant was added. This bill is a good start. Many of the tenant screening providers are mom and pop operations. If there were a cause of action provided, this would carry with it the risk that their prices would have to be raised and then the big guys would get all of the business. In a new study, it is shown that domestic violence and sexual assault are the leading causes of homelessness. The removal of the cause of action is disappointing, but necessary to get the bill passed. Misleading eviction records are another problem. While this problem is not addressed in this bill, it needs to be addressed in the future. It is important that this bill be passed. Access to housing is critical for victims and their children. There are instances where victims are wrongfully denied a lease. Such victims, however, must focus on the search for housing and do not pursue legal action. The vast majority of landlords are great partners. The bill, in its current form, is supported but it is a delicate balance.

(Neutral) Opposition on the underlying bill has turned to neutrality on the bill that was passed by the Senate. In 2006 there were similar provisions passed with respect to landlords. There is no data, or even anecdotes, to suggest that this has been a problem. For that reason, this bill does not seem necessary. The word "knowingly" was included out of concerns that landlords might let tenants out of a lease due to domestic violence but fail to convey the reason to the tenant screening provider. There should not be a cause of action against a tenant screening provider.

(Opposed) None.

Persons Testifying: (In support) Senator Hobbs, prime sponsor; Tim Seth, Washington Landlord Association; Michelle Thomas, Washington Low Income Housing Alliance; Stina Janssen, Tenants Union of Washington; Kathryn Hedrick, Washington Multifamily Housing Association; and Linda Olsen, Washington State Coalition Against Domestic Violence.

(Neutral) Kyle Woodring, Rental Housing Association of Washington; and Chester Baldwin, Washington Apartment Association.

Persons Signed In To Testify But Not Testifying: None.