

SENATE BILL REPORT

SB 5307

As of February 7, 2013

Title: An act relating to unlawful detainer actions for at-will tenancies.

Brief Description: Expanding the definition of unlawful detainer to include a provision governing at-will tenancies.

Sponsors: Senators Hobbs and Benton.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/07/13.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Staff: Alison Mendiola (786-7483)

Background: Unlawful detainer is the process for evicting a residential tenant. The process is generally as follows:

- The landlord serves a tenant with, most commonly, a three-day pay or vacate or a ten-day comply or vacate notice;
- If after three or ten days the tenant is still in the rental unit either without paying rent or failing to comply with the terms of the notice, the landlord will have a neutral third party deliver the Summons and Complaint. This document does not have to be filed with court. These documents will include a reply deadline. If the tenant fails to reply the tenant will automatically lose the eviction;
- Show Cause Hearing: This is a notice of appearance date. This hearing is an opportunity for the tenant to raise any defenses to the eviction. The judge makes a ruling at this point. If the tenant prevails, the case is dismissed. If a tenant loses, they will be issued a judgment in the amount of money owed which may include rent, court costs, attorneys' fees, and other fees; and
- Writ of Restitution: If a tenant loses, the sheriff will also issue a writ of restitution which is notice of when the sheriff is coming to oversee the tenant's removal from the property, if the tenant has not already vacated.

Summary of Bill: A new category is added to the unlawful detainer statute in determining who may be sued for an unlawful detainer.

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.

A person who occupies real property with the consent of the owner but without a specific rental amount or designated period of tenancy, on an at-will basis may be evicted if they fail to leave the premises after 30 days' notice, in writing, served as provided for in statute.

This does not apply to housing for seasonal agricultural employees when provided in conjunction with employment. Double damages do not apply.

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.