

SENATE BILL REPORT

SB 5426

As of February 7, 2013

Title: An act relating to the definition of unlawful detainer.

Brief Description: Concerning unlawful detainer.

Sponsors: Senator Roach.

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 notice for nonpayment of rent, or a ten-day comply or vacate notice for noncompliance with a lease or unpaid fees;
- If after three or ten days the tenant is still in the rental unit 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 three-day notice to pay or vacate under an action for an unlawful detainer may be used for rent or other fees.

Appropriation: None.

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.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.