

SENATE BILL REPORT

SB 5426

As Reported by Senate Committee On:
Financial Institutions, Housing & Insurance, February 21, 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, 2/21/13 [DPS, DNP].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: That Substitute Senate Bill No. 5426 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain, Hatfield and Roach.

Minority Report: Do not pass.

Signed by Senators Mullet, Vice Chair; Nelson.

Staff: Alison Mendiola (786-7483)

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

- 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 the court. These documents will include a reply deadline. If the tenant fails to reply the tenant will automatically lose the eviction;
- A Show Cause Hearing 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

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- issued a judgment in the amount of money owed which may include rent, court costs, attorneys' fees, and other fees; and
- 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 (Recommended Substitute): A three-day notice to pay or vacate under an action for an unlawful detainer may be used for rent and other fees.

EFFECT OF CHANGES MADE BY FINANCIAL INSTITUTIONS, HOUSING & INSURANCE COMMITTEE (Recommended Substitute): The term "or late fees" is changed to "and late fees."

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.

Staff Summary of Public Testimony on Original Bill: PRO: The intent is to address late rent and fees at the same time so the landlord doesn't have to file two lawsuits. This is good judicial economy, good all the way around as it's confusing to a tenant who may receive two separate notices with different dates. The current process is cumbersome for both landlords and tenants.

CON: Under the law a tenant receives a three day notice to come up with unpaid rent and ten days for other issues, including fees. To shorten the ten day notice to three days would be a huge burden on renters. This is bad public policy, increases homelessness, increases unlawful detainers, and adds a mark on the tenant's credit history. This puts middle class families at the risk of being homeless. Instead of "or" use "and attendant late fees" so the late fees would at least be related to rent.

Persons Testifying: PRO: Chester Baldwin, Rob Trickler, WA Apartment Assn; Kyle Woodring, Rental Housing Assn.

CON: Greg Provenzano, Columbia Legal Services; Sarah Coffey, Solid Ground; Tim Seth, WA Landlord Assn.