

SENATE BILL REPORT

SB 5568

As Reported by Senate Committee On:
Financial Institutions, Housing & Insurance, February 21, 2013

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: Senators Hobbs, Kohl-Welles, Billig, Frockt, Chase, Harper, Hasegawa, Keiser, Shin, Kline and Nelson.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/12/13, 2/21/13 [DPS].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain, Hatfield and Nelson.

Staff: Alison Mendiola (786-7483)

Background: The Residential Landlord-Tenant Act (RLTA) regulates residential tenancies and the relationship between landlords and tenants of residential dwelling units. The RLTA establishes rights and duties of both tenants and landlords, procedures for the parties to enforce their rights, and remedies for violations of the RLTA.

Landlord duties include such things as the duty to maintain the premises in reasonably good repair and remedy defective conditions within specified timelines. Tenant duties include the duty to pay rent, not damage the dwelling or allow a nuisance, and not engage in drug activity or criminal activity on the premises. The RLTA covers a wide variety of other issues governing the landlord-tenant relationship, including: prohibited provisions in rental agreements and prohibited practices by landlords; the landlord's right of access to the dwelling unit; procedures and remedies available to a landlord when a tenant has abandoned the tenancy or is subject to eviction for violations of the RLTA; and requirements with respect to the collection and retention of security deposits, nonrefundable fees, and fees or deposits to hold a dwelling unit or secure a tenancy.

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.

Under the RLTA, a landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the tenant's, applicant's, or household member's status as a victim of domestic violence, sexual assault, or stalking, or based on the tenant terminating a tenancy based on these crimes as provided for in RCW 59.18.575.

With a tenant or prospective tenant's permission, a tenant screening provider may provide a landlord with information regarding a tenant's background which may include credit and criminal history. If a landlord denies tenancy, or fails to renew a tenancy, based on information in the tenant or prospective tenant's consumer report, the landlord must let the person know the decision was made based upon information in that report as well as information as to how the person may access the report, for free.

Summary of Bill (Recommended Substitute): 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 as to whether that person previously terminated a tenancy as a victim of these crimes. Tenants may voluntarily disclose their victim status.

EFFECT OF CHANGES MADE BY FINANCIAL INSTITUTIONS, HOUSING & INSURANCE COMMITTEE (Recommended Substitute): A tenant screening company may not knowingly disclose a tenant's victim status under RCW 59.18.575. The cause of action for a tenant screening company's violation of this Act is removed. Tenants may voluntarily disclose their victim status. The effective date is January 1, 2014.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Domestic violence records are considered when a victim applies for housing, and the landlords just find another reason to deny the tenancy. This bill is good for landlords as it protects them from any liability of wrongfully denying housing based on a victim's status. It is hard to prove a when a tenant is denied housing solely based on victim status which is why laws protecting victims are necessary. Some victims are afraid to pursue legal remedies which is why the focus should be on prevention.

CON: Is there any evidence of non-compliance with the current statute? This is a solution looking for a problem. Many tenant screeners do not even provide victim status information to landlords as is. Public access to records is crucial, why are landlords singled out? Landlords have a right to this information. Hiding victim status makes it harder for landlords to protect all the other people.

Persons Testifying: PRO: Jonathan Grant, Tenants Union of WA State; Patricia Ridge, POWER; Sarah Coffey, Solid Ground; Linda Olsen, WA State Coalition Against Domestic

Violence; Michelle Thomas, WA Low Income Housing Alliance; Joe Puckett, WA Multi-Family Housing Assn.

CON: Terri Hotved, Megan McCormick, Kyle Woodring, Doug Neyhart, Rental Housing Assn.; Rebekah Near, Orca Screening Agency; Chester Baldwin, WA Apartment Assn.; Tim Seth, WA Landlord Assn.