S-0741.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5376**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Habib, Miloscia, Darneille, Jayapal, Hobbs, Kohl-Welles, Keiser, Frockt, and Chase

AN ACT Relating to the reporting of eviction records; amending RCW 19.182.040; and adding a new section to chapter 59.18 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 19.182.040 and 2011 c 333 s 2 are each amended to read as follows:

(1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:

(a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;

(b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;

(c) Paid tax liens that, from date of payment, antedate the report by more than seven years;

(d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;

(e) Records of arrest, indictment, or conviction of an adult for a crime that, from date of disposition, release, or parole, antedate the report by more than seven years;

(f) Juvenile records, as defined in RCW 13.50.010(1)(c), when the subject of the records is twenty-one years of age or older at the time of the report; ((~~and~~))

(g) Eviction records, including records of any civil action for unlawful detainer, forcible detainer, ejectment, or other claim in which the plaintiff seeks to gain or recover possession of residential real property from one or more defendants, if:

(i) The eviction suit did not result in a judgment finding the prospective tenant liable for unlawful detainer or otherwise in unlawful possession of the premises;

(ii) The tenant was restored to his or her tenancy under RCW 59.18.410 or other law; or

(iii) The judgment reflects a residual amount of rent left owed after the defendant substantially prevailed on any affirmative defense, counterclaim, or set-off; and

(h) Any other adverse item of information that antedates the report by more than seven years.

(2) Subsection (1)(a) through (e) and ((~~(g)~~))(h) of this section is not applicable in the case of a consumer report to be used in connection with:

(a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more.

NEW SECTION. **Sec.**  A new section is added to chapter 59.18 RCW to read as follows:

(1) A consumer reporting agency shall not include a prospective tenant's involvement in a prior eviction suit in a tenant screening report if:

(a) The eviction suit did not result in a judgment finding the prospective tenant liable for unlawful detainer or otherwise in unlawful possession of the premises;

(b) The tenant was restored to his or her tenancy under RCW 59.18.410 or other law; or

(c) The judgment reflects a residual amount of rent left owed after the defendant substantially prevailed on any affirmative defense, counterclaim, or set-off.

(2) A landlord shall not fail to renew a tenancy or refuse to enter into a rental agreement with a prospective tenant based on an eviction record, including records of any civil action for unlawful detainer, forcible detainer, ejectment, or other claim in which the plaintiff seeks to gain or recover possession of residential real property from one or more defendants, if:

(a) The eviction suit did not result in a judgment finding the prospective tenant liable for unlawful detainer or otherwise in unlawful possession of the premises;

(b) The tenant was restored to his or her tenancy under RCW 59.18.410 or other law; or

(c) The judgment reflects a residual amount of rent left owed after the defendant substantially prevailed on any affirmative defense, counterclaim, or set-off.

(3) A person injured by a violation of this section may bring a civil action to recover actual damages sustained, court costs, and reasonable attorneys' fees.

(4) For purposes of this section, "eviction suit" includes any civil action for unlawful detainer, forcible detainer, ejectment, or other claim in which the plaintiff seeks to gain or recover possession of residential real property from one or more defendants.

**--- END ---**