

SHB 1257 - H AMD 110

By Representative Rodne

WITHDRAWN 03/05/2015

1 Strike everything after the enacting clause and insert the
2 following:

3

4 "Sec. 1. RCW 59.18.257 and 2012 c 41 s 3 are each amended to
5 read as follows:

6 (1)(a) Prior to obtaining any information about a prospective
7 tenant, the prospective landlord shall first notify the prospective
8 tenant in writing, or by posting, of the following:

9 (i) What types of information will be accessed to conduct the
10 tenant screening;

11 (ii) What criteria may result in denial of the application; and

12 (iii) If a consumer report is used, the name and address of the
13 consumer reporting agency and the prospective tenant's rights to
14 obtain a free copy of the consumer report in the event of a denial
15 or other adverse action, and to dispute the accuracy of information
16 appearing in the consumer report.

17 (b)(i) The landlord may charge a prospective tenant for costs
18 incurred in obtaining a tenant screening report only if the
19 prospective landlord provides the information as required in (a) of
20 this subsection.

21 (ii) If a prospective landlord conducts his or her own screening
22 of tenants, the prospective landlord may charge his or her actual
23 costs in obtaining the background information only if the
24 prospective landlord provides the information as required in (a) of
25 this subsection. The amount charged may not exceed the customary
26 costs charged by a screening service in the general area. The
27 prospective landlord's actual costs include costs incurred for long

1 distance phone calls and for time spent calling landlords,
2 employers, and financial institutions.

3 (c) If a prospective landlord takes an adverse action, the
4 prospective landlord shall provide a written notice of the adverse
5 action to the prospective tenant that states the reasons for the
6 adverse action. The adverse action notice must contain the following
7 information in a substantially similar format, including additional
8 information as may be required under chapter 19.182 RCW:

9 "ADVERSE ACTION NOTICE

10 Name

11 Address

12 City/State/Zip Code

13 This notice is to inform you that your application has been:

14 Rejected

15 Approved with conditions:

16 Residency requires an increased deposit

17 Residency requires a qualified guarantor

18 Residency requires last month's rent

19 Residency requires an increased monthly rent of \$.....

20 Other:

21 Adverse action on your application was based on the following:

22 Information contained in a consumer report (The prospective
23 landlord must include the name, address, and phone number of the
24 consumer reporting agency that furnished the consumer report that
25 contributed to the adverse action.)

26 The consumer credit report did not contain sufficient
27 information

28 Information received from previous rental history or reference

29 Information received in a criminal record

30 Information received in a civil record

31 Information received from an employment verification

32 Dated this day of, 20....

34

1 Agent/Owner Signature"

2 (2) Any landlord or prospective landlord who violates this
3 section may be liable to the prospective tenant for an amount not to
4 exceed one hundred dollars. The prevailing party may also recover
5 court costs and reasonable attorneys' fees.

6 (3) A stakeholder work group comprised of landlords, tenant
7 advocates, and representatives of consumer reporting and tenant
8 screening companies shall convene for the purposes of addressing the
9 issues of tenant screening including, but not limited to: A tenant's
10 cost of obtaining a tenant screening report; the portability of
11 tenant screening reports; criteria used to evaluate a prospective
12 tenant's background, including which court records may or may not be
13 considered; and the regulation of tenant screening services.
14 Specific recommendations on these issues are due to the legislature
15 by December 1, (~~2012~~) 2016.

16 (4) This section does not limit a prospective tenant's rights or
17 the duties of a screening service as otherwise provided in chapter
18 19.182 RCW."

19
20 Correct the title.

21

EFFECT: Strikes provisions:

- Regarding the intent of the act;
- Defining "comprehensive screening report", "criminal history", and "eviction history";
- Prohibiting a landlord from charging for subsequent tenant screening reports after a comprehensive screening report has been provided;
- Prohibiting a landlord from treating a prospective tenant for whom a comprehensive tenant screening report is available any less favorably solely because a consumer reporting agency provides access to a comprehensive screening report; and
- Removing a stakeholder work group.

Reinstates a provision creating a stakeholder work group to address issues of tenant screening and changes the date by which the work group must present specific recommendations on these issues to December 1, 2016.

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