

SSB 5376 - S AMD 102
By Senator Benton

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18
4 RCW to read as follows:

5 A court may order the sealing of the court file of an unlawful
6 detainer action only on the motion of any of the defendants and a
7 decision by the court if the court finds that the plaintiff's case is
8 sufficiently without basis in fact or law, which may include lack of
9 jurisdiction over the case or any of the defendants, that the case
10 was not initiated in good faith, or that any of the defendants
11 prevailed in the action. The court may order the court file to be
12 sealed if the court makes and enters written findings that the
13 sealing is justified by compelling privacy or safety concerns that
14 outweigh the public interest in access to the court record.

15 **Sec. 2.** RCW 59.18.580 and 2013 c 54 s 1 are each amended to read
16 as follows:

17 (1) A tenant screening service provider may not: (a) Disclose a
18 tenant's, applicant's, or household member's status as a victim of
19 domestic violence, sexual assault, or stalking(~~(, or~~)); (b) knowingly
20 disclose that a tenant, applicant, or household member has previously
21 terminated a rental agreement under RCW 59.18.575; or (c) knowingly
22 disclose unlawful detainer records in which the file has been sealed
23 pursuant to court order.

24 (2) A landlord may not terminate a tenancy, fail to renew a
25 tenancy, or refuse to enter into a rental agreement based on the
26 tenant's or applicant's or a household member's status as a victim of
27 domestic violence, sexual assault, or stalking, or based on the
28 tenant or applicant having terminated a rental agreement under RCW
29 59.18.575.

30 (3) A landlord who refuses to enter into a rental agreement in
31 violation of subsection (2) of this section may be liable to the
32 tenant or applicant in a civil action for damages sustained by the

1 tenant or applicant. The prevailing party may also recover court
2 costs and reasonable attorneys' fees.

3 (4) It is a defense to an unlawful detainer action under chapter
4 59.12 RCW that the action to remove the tenant and recover possession
5 of the premises is in violation of subsection (2) of this section.

6 (5) This section does not prohibit adverse housing decisions
7 based upon other lawful factors within the landlord's knowledge or
8 prohibit volunteer disclosure by an applicant of any victim
9 circumstances."

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10 On page 1, line 1 of the title, after "Relating to" strike the
11 remainder of the title and insert "the sealing and reporting of
12 certain eviction records; amending RCW 59.18.580; and adding a new
13 section to chapter 59.18 RCW."

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