# Judiciary Committee

# HB 1460

**Title**: An act relating to the reporting of eviction records.

**Brief Description**: Concerning the disclosure of certain eviction records in certain reports.

**Sponsors**: Representatives Robinson, Walkinshaw, Walsh, Stanford, Bergquist, Appleton, Sells, Ortiz-Self, Gregerson, Tarleton, Peterson, Pettigrew, Fitzgibbon, Riccelli, Jinkins, Kilduff, McBride and Pollet.

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### Brief Summary of Bill

- Prohibits consumer reporting agencies from including certain eviction records in consumer reports.

- Prohibits landlords from failing to renew a tenancy or refusing to enter into a rental agreement based on certain eviction records.

- Creates a civil action for violations.

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**Hearing Date**: 2/4/15

**Staff**: Brent Campbell (786-7152).

**Background**:

The Residential Landlord-Tenant Act.

The Residential Landlord-Tenant Act (RLTA) regulates the rights and duties of landlords and tenants in residential rental housing. Landlords may screen and evaluate potential tenants either by conducting their own searches of public records or by using consumer reporting agencies that provide consumer reports for use in tenant screening.

Consumer Reporting Agencies.

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*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.*

Consumer reporting agencies engage in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Consumer reporting agencies may create reports for a number of purposes, including for employment and credit transactions. Consumer reporting agencies may also create reports about prospective tenants at the request of landlords.

Consumer reporting agencies are regulated by both state and federal law. Under Washington's Fair Credit Reporting Act, a consumer reporting agencies may only furnish a consumer report under specific circumstances, and are prohibited from making a consumer report containing certain information. Prohibited information includes:
- bankruptcies from more than 10 years ago;
- suits and judgments from more than seven years ago or until the statute of limitation has expired, whichever is longer;
- paid tax liens from more than seven years ago;
- accounts placed for collection more than seven years ago;
- arrest, indictment, or conviction of an adult for a crime that, from the date of disposition, release, or parole, is from more than seven years ago;
- juvenile records; and
- any other adverse item of information that antedates the report by more than seven years.

**Summary of Bill**:

The Fair Credit Reporting Act is amended to prohibit consumer reporting agencies from including eviction records in any consumer report, if:
- 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;
- the tenant was restored to his or her tenancy; or
- the judgment reflects a residual amount of rent left owed after the defendant substantially prevailed in an affirmative defense, counterclaim, or set-off.

The RLTA is amended to prohibit consumer reporting agencies from including any information regarding a tenant's prior involvement in such an eviction suit in a tenant screening report. The RLTA is also amended to prohibit a landlord from failing to renew a tenancy or refusing to enter into a rental agreement based on such eviction records. A person injured by a violation of either of these provisions may bring a civil action to recover actual damages sustained, court costs, and reasonable attorneys' fees.

**Appropriation**: None.

**Fiscal Note**: Not requested.

**Effective Date**: The bill takes effect 90 days after adjournment of the session in which the bill is passed.