

SENATE BILL REPORT

SB 5219

As of January 29, 2015

Title: An act relating to the definition of unlawful detainer.

Brief Description: Concerning unlawful detainer.

Sponsors: Senators Benton and Roach.

Brief History:

Committee Activity: Financial Institutions & Insurance: 1/28/15.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

Staff: Shani Bauer (786-7468)

Background: Unlawful detainer is the legal process for evicting a residential tenant. A tenant is guilty of unlawful detainer when the tenant failed to pay rent, failed to comply with terms of the rental agreement, created waste or a nuisance on the property, or the tenancy is a month-to-month or periodic tenancy and the landlord gave the tenant notice to terminate.

When a tenant failed to pay rent, the landlord must give the tenant three days' notice in writing requiring payment or the surrender of the premises. If rent is not paid within the three-day time period, the tenant is guilty of unlawful detainer and may be evicted from the premises.

Summary of Bill: A tenant who fails to pay other fees due to the landlord, aside from rent, is guilty of unlawful detainer if the landlord gave the tenant three days' notice in writing requiring the tenant to pay the other fees or surrender the premises.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

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.

Staff Summary of Public Testimony: PRO: This bill would allow a landlord to create one notice that can be given out for nonpayment of rent and nonpayment of fees. Currently, in order to move forward, the landlord must use a three-day notice when it is imperative to restore the property quickly and then file a second lawsuit for fees and costs after the ten-day notice period has expired. In the alternative, the landlord would have to wait ten days before proceeding on both claims. This bill allows the legal process to go forward in one action after three days. Landlords want to be part of the solution for housing, but often processes such as these make housing more costly. These costs are eventually passed on to tenants.

CON: It is important to recognize the interests of both the landlord and tenant. The landlord's interest is to gain profit and preserve property. For the tenant it is an interest of necessity in keeping shelter over their heads. This bill upsets the balance and shifts the power more to the landlord than already exists. It will have the greatest impact on low-income families struggling to maintain housing, and send people deeper into poverty. Even though a person may pay rent within three days, this bill would allow a landlord to tack on other fees, making it virtually impossible for the tenant to stay in the premises. Further, fees are not defined and the statute does not limit the fees the landlord can add. Currently a landlord can pursue eviction for nonpayment of fees under RCW 59.12.030. This process requires a ten-day notice to pay instead of three-day notice. Three days is too short a time period for nonpayment of rent. It would be better to increase the period to seven or ten days. Many states have greater than a three-day notice and opportunity to bring rent current. It would also be helpful to specify what charges the landlord could charge. If this bill is moving forward, instead of leaving the fee language broad, it should be limited to late fees associated with the nonpayment of rent. Under current law, a family can be removed from a home in three weeks. In order to pursue fees, a landlord would only have to wait one more week.

Persons Testifying: PRO: Chester Baldwin, Mobile Home Communities of WA; Bill Hinkle, Rental Housing Assn.

CON: Mark Chattin, Catholic Community Services; Michele Thomas, WA Low Income Housing Alliance; Greg Provenzano, Columbia Legal Services; Rory O'Sullivan, Housing Justice Project, King County Bar Assn.; Tim Seth, President, WA Landlord Assn.