

# SENATE BILL REPORT

## SB 5220

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As of January 29, 2015

**Title:** An act relating to the entering of monetary judgments against defendants under the residential and manufactured/mobile home landlord-tenant acts.

**Brief Description:** Concerning the entering of monetary judgments against defendants under the residential and manufactured/mobile home landlord-tenant acts.

**Sponsors:** Senators Benton and Roach.

**Brief History:**

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

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

**Staff:** Shani Bauer (786-7468)

**Background:** The Residential Landlord-Tenant Act and the Manufactured/Mobile Home Landlord-Tenant Act establish duties of landlords and tenants and provide remedies when those duties are not met. For various reasons, a landlord may terminate a tenancy. If the tenant refuses to vacate the property, the landlord may bring an unlawful detainer action, which allows the landlord to evict the tenant and regain possession of the property after serving the tenant with a notice to vacate.

A plaintiff must attempt to serve notice of an action on the defendant personally. If, after the exercise of due diligence, the plaintiff is unable to personally serve the defendant, the court may authorize the plaintiff to post the notice in a conspicuous place on the premises and mail a copy, both by regular mail and certified mail, to the defendant's address. When service is accomplished by this alternative procedure, the court's jurisdiction is limited to restoring possession of the premises, and no money judgment may be entered against the defendant until the court obtains jurisdiction over the defendant.

**Summary of Bill:** Consent, the entering of a general appearance, or the filing of a responsive document by the defendant establishes personal jurisdiction and a money judgment may then be entered against the defendant.

**Appropriation:** None.

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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.*

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Currently, if a landlord cannot get personal service on a person, the landlord can get possession of the premises but cannot get a money judgment. This provision is in place because it is believed it isn't fair to get a money judgment when the person does not have notice of the action, but the landlord should be restored possession of the landlord's property. If the tenant appears in the legal proceeding in some fashion, they have clearly gotten notice.

CON: This statute was enacted in 1997 because landlords complained they were unable to regain possession of the property because they could not obtain personal service. The compromise was that the landlord could get possession of the premises based on alternative service, but could not get a money judgment. There is an appellate court case that says a general notice of appearance does not constitute service.

**Persons Testifying:** PRO: Bill Hinkle, Rental Housing Assn.; Chester Baldwin, WA Rental Owners Assn.

CON: Gregory Provenzano, Columbia Legal Services.