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HOUSE BILL 1460

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Robinson, Walkinshaw, Walsh, Stanford, Bergquist, Appleton, Sells, Ortiz-Self, Gregerson, Tarleton, Peterson, Pettigrew, Fitzgibbon, Riccelli, Jenkins, Kilduff, McBride, and Pollet

Read first time 01/21/15. Referred to Committee on Judiciary.

1 AN ACT Relating to the reporting of eviction records; amending  
2 RCW 19.182.040; and adding a new section to chapter 59.18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.182.040 and 2011 c 333 s 2 are each amended to  
5 read as follows:

6 (1) Except as authorized under subsection (2) of this section, no  
7 consumer reporting agency may make a consumer report containing any  
8 of the following items of information:

9 (a) Bankruptcies that, from date of adjudication of the most  
10 recent bankruptcy, antedate the report by more than ten years;

11 (b) Suits and judgments that, from date of entry, antedate the  
12 report by more than seven years or until the governing statute of  
13 limitations has expired, whichever is the longer period;

14 (c) Paid tax liens that, from date of payment, antedate the  
15 report by more than seven years;

16 (d) Accounts placed for collection or charged to profit and loss  
17 that antedate the report by more than seven years;

18 (e) Records of arrest, indictment, or conviction of an adult for  
19 a crime that, from date of disposition, release, or parole, antedate  
20 the report by more than seven years;

1 (f) Juvenile records, as defined in RCW 13.50.010(1)(c), when the  
2 subject of the records is twenty-one years of age or older at the  
3 time of the report; (~~and~~)

4 (g) Eviction records, including records of any civil action for  
5 unlawful detainer, forcible detainer, ejectment, or other claim in  
6 which the plaintiff seeks to gain or recover possession of  
7 residential real property from one or more defendants, if:

8 (i) The eviction suit did not result in a judgment finding the  
9 prospective tenant liable for unlawful detainer or otherwise in  
10 unlawful possession of the premises;

11 (ii) The tenant was restored to his or her tenancy under RCW  
12 59.18.410 or other law; or

13 (iii) The judgment reflects a residual amount of rent left owed  
14 after the defendant substantially prevailed on any affirmative  
15 defense, counterclaim, or set-off; and

16 (h) Any other adverse item of information that antedates the  
17 report by more than seven years.

18 (2) Subsection (1)(a) through (e) and (~~(g)~~) (h) of this section  
19 is not applicable in the case of a consumer report to be used in  
20 connection with:

21 (a) A credit transaction involving, or that may reasonably be  
22 expected to involve, a principal amount of fifty thousand dollars or  
23 more;

24 (b) The underwriting of life insurance involving, or that may  
25 reasonably be expected to involve, a face amount of fifty thousand  
26 dollars or more; or

27 (c) The employment of an individual at an annual salary that  
28 equals, or that may reasonably be expected to equal, twenty thousand  
29 dollars or more.

30 NEW SECTION. Sec. 2. A new section is added to chapter 59.18  
31 RCW to read as follows:

32 (1) A consumer reporting agency shall not include a prospective  
33 tenant's involvement in a prior eviction suit in a tenant screening  
34 report if:

35 (a) The eviction suit did not result in a judgment finding the  
36 prospective tenant liable for unlawful detainer or otherwise in  
37 unlawful possession of the premises;

38 (b) The tenant was restored to his or her tenancy under RCW  
39 59.18.410 or other law; or

1 (c) The judgment reflects a residual amount of rent left owed  
2 after the defendant substantially prevailed on any affirmative  
3 defense, counterclaim, or set-off.

4 (2) A landlord shall not fail to renew a tenancy or refuse to  
5 enter into a rental agreement with a prospective tenant based on an  
6 eviction record, including records of any civil action for unlawful  
7 detainer, forcible detainer, ejectment, or other claim in which the  
8 plaintiff seeks to gain or recover possession of residential real  
9 property from one or more defendants, if:

10 (a) The eviction suit did not result in a judgment finding the  
11 prospective tenant liable for unlawful detainer or otherwise in  
12 unlawful possession of the premises;

13 (b) The tenant was restored to his or her tenancy under RCW  
14 59.18.410 or other law; or

15 (c) The judgment reflects a residual amount of rent left owed  
16 after the defendant substantially prevailed on any affirmative  
17 defense, counterclaim, or set-off.

18 (3) A person injured by a violation of this section may bring a  
19 civil action to recover actual damages sustained, court costs, and  
20 reasonable attorneys' fees.

21 (4) For purposes of this section, "eviction suit" includes any  
22 civil action for unlawful detainer, forcible detainer, ejectment, or  
23 other claim in which the plaintiff seeks to gain or recover  
24 possession of residential real property from one or more defendants.

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