

HB 1633 - H AMD 201

By Representative Riccelli

NOT CONSIDERED 01/05/2018

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 (1) A landlord may not, based on the source of income of an
6 otherwise eligible applicant or tenant:

7 (a) Refuse to lease or rent any real property to an applicant,
8 unless the applicant's source of income is conditioned on the real
9 property passing inspection, and the written estimate of the cost of
10 improvements necessary to pass inspection is six times the monthly
11 rent of the real property;

12 (b) Expel a tenant from any real property;

13 (c) Make any distinction, discrimination, or restriction against
14 an applicant or tenant in the price, terms, conditions, or privileges
15 relating to the rental, lease, or occupancy of real property or in
16 the furnishing of any facilities or services in connection with the
17 rental, lease, or occupancy of real property;

18 (d) Attempt to discourage the rental or lease of any real
19 property to an applicant;

20 (e) Assist, induce, incite, or coerce another person to commit an
21 act or engage in a practice that violates this section;

22 (f) Coerce, intimidate, threaten, or interfere with any person in
23 the exercise or enjoyment of, or on account of the person having
24 exercised or enjoyed or having aided or encouraged any other person
25 in the exercise or enjoyment of, any right granted or protected under
26 this section;

27 (g) Represent to a person that a dwelling unit is not available
28 for rental when the dwelling unit in fact is available for rental; or

29 (h) Otherwise make unavailable or deny a dwelling unit to an
30 applicant that, but for his or her source of income, would be
31 eligible to rent real property.

1 (2) A landlord may not, based on the source of income of an
2 otherwise eligible applicant or tenant, publish, circulate, issue, or
3 display, or cause to be published, circulated, issued, or displayed,
4 any communication, notice, advertisement, or sign of any kind
5 relating to the rental or lease of real property that indicates any
6 source of income. This subsection applies to all landlords regardless
7 of the number of rental units they own in this state.

8 (3) If a landlord requires that an applicant have a certain
9 threshold level of income, any source of income in the form of a rent
10 voucher or subsidy must be subtracted from the total of the monthly
11 rent prior to calculating if the income criteria have been met.

12 (4) Except as provided in subsection (2) of this section, this
13 section does not apply to a landlord who certifies in writing that he
14 or she owns four or fewer rental units in this state. A landlord
15 claiming this exemption must certify in writing that he or she owns
16 four or fewer rental units in this state upon request from a
17 prospective tenant, a housing authority, a regulatory entity, or
18 other person with a legitimate business, housing, or enforcement
19 interest.

20 (5) A person in violation of this section may be held liable in a
21 civil action for six times the monthly rent of the real property at
22 issue. The prevailing party may also recover court costs and
23 reasonable attorneys' fees.

24 (6) As used in this section:

25 (a) "Source of income" includes income, benefits, and subsidies
26 derived from the following federal sources and federal programs:
27 Social security, social security disability insurance, supplemental
28 security income, veterans compensation for service-connected
29 disability, veterans pension for nonservice-connected disability,
30 HOME tenant-based rental assistance, housing opportunities for
31 persons with AIDS, bureau of Indian affairs financial assistance and
32 social services, refugee cash assistance through the refugee and
33 entrant assistance program, and all section 8 housing choice voucher
34 programs, including the housing and urban development veterans
35 affairs supportive housing program.

36 (b) "Source of income" does not include income derived in an
37 illegal manner.

38 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31
39 RCW to read as follows:

1 (1) Subject to the availability of funds for this purpose, the
2 department of commerce shall maintain a landlord mitigation fund for
3 the cost of damages that may be caused to private market units
4 renting to tenants using a source of income specified in section 1(6)
5 of this act.

6 (2) In order to be eligible for reimbursement from the landlord
7 mitigation fund, a landlord must first obtain a court judgment
8 against a tenant from the county in which the property is located.

9 (3) A reimbursement claim must be submitted to the department of
10 commerce within one year of obtaining a judgment against a tenant.
11 Reimbursement is allowed only for amounts related to property damage,
12 unpaid rent, and other damages caused as a result of the tenant's
13 occupancy. Damages must exceed normal wear and tear on the property
14 and be in excess of five hundred dollars. Damages may exceed five
15 thousand dollars, but reimbursement may not exceed five thousand
16 dollars per tenancy."

17 Correct the title.

EFFECT: Makes the following changes and additions to the underlying bill:

(1) Provides an exemption for landlords who certify in writing that they own four or fewer rental units in Washington. A landlord claiming this exemption must certify in writing that he or she owns four or fewer rental units in this state upon request from persons with legitimate business, housing, or enforcement interests.

(2) Prevents all landlords, regardless of the number of rental units they own, from publishing, circulating, issuing, or displaying, or causing to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates any source of income.

(3) Limits "source of income" to income, benefits, and subsidies derived from specified federal sources and federal programs.

(4) Provides that landlords may refuse to lease or rent real property if an applicant's source of income is conditioned on the real property passing inspection, and according to a written estimate, the cost of improvements necessary to pass inspection is six times the monthly rent of the real property.

(5) Provides that a person in violation of the bill may be held liable in a civil action for six times the monthly rent of the real property at issue, rather than for up to treble the damages sustained by the tenant or applicant.

(6) Requires, subject to the availability of funds, the Department of Commerce to maintain a landlord mitigation fund for the cost of damages that may be caused to private market units renting to tenants using a source of income specified in the bill.

(7) Requires a landlord to obtain a court judgment against a tenant prior to becoming eligible for reimbursement from the landlord mitigation fund.

(8) Specifies that a landlord must seek reimbursement from the landlord mitigation fund within one year of obtaining a judgment against a tenant. Reimbursement is allowed only for amounts related to property damage, unpaid rent, and other damages resulting from the tenant's occupancy. Damages must exceed normal wear and tear on the property and be in excess of 500 dollars. Damages may exceed 5,000 dollars, but reimbursement may not exceed 5,000 dollars per tenancy.

(9) Removes the subsection that states that the bill does not limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit.

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