

HB 1694 - H AMD 1022

By Representative Irwin

WITHDRAWN 02/17/2020

1 On page 2, after line 7, insert the following:

2 "(4) A tenant who paid any deposits, nonrefundable fees, or last
3 month's rent in installments must permit the landlord to pay any
4 refund of any of the deposit due the tenant under RCW 59.18.280 in
5 three consecutive and equal monthly installments. The first
6 installment shall be paid within twenty-one days after the termination
7 of the rental agreement and vacation of the premises or, if the tenant
8 abandons the premises as defined in RCW 59.18.310, within twenty-one
9 days after the landlord learns of the abandonment. The second
10 installment shall be paid within one month of the first installment,
11 and the third installment shall be paid within one month of the second
12 installment.

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14 **Sec. 2.** RCW 59.18.280 and 2016 c 66 s 4 are each amended to
15 read as follows:

16 (1) Within twenty-one days after the termination of the rental
17 agreement and vacation of the premises or, if the tenant abandons
18 the premises as defined in RCW 59.18.310, within twenty-one days
19 after the landlord learns of the abandonment, the landlord shall
20 give a full and specific statement of the basis for retaining any of
21 the deposit together with the payment of any refund due the tenant
22 under the terms and conditions of the rental agreement.

23 (a) No portion of any deposit shall be withheld on account of
24 wear resulting from ordinary use of the premises.

25 (b) The landlord complies with this section if the required
26 statement or payment, or both, are delivered to the tenant
27 personally or deposited in the United States mail properly addressed

1 to the tenant's last known address with first-class postage prepaid
2 within the twenty-one days.

3 (2) If the landlord fails to give such statement together with
4 any refund due the tenant within the time limits specified above he
5 or she shall be liable to the tenant for the full amount of the
6 deposit. The landlord is also barred in any action brought by the
7 tenant to recover the deposit from asserting any claim or raising
8 any defense for retaining any of the deposit unless the landlord
9 shows that circumstances beyond the landlord's control prevented the
10 landlord from providing the statement within the twenty-one days or
11 that the tenant abandoned the premises as defined in RCW 59.18.310.
12 The court may in its discretion award up to two times the amount of
13 the deposit for the intentional refusal of the landlord to give the
14 statement or refund due. In any action brought by the tenant to
15 recover the deposit, the prevailing party shall additionally be
16 entitled to the cost of suit or arbitration including a reasonable
17 attorneys' fee.

18 (3) Nothing in this chapter shall preclude the landlord from
19 proceeding against, and the landlord shall have the right to proceed
20 against a tenant to recover sums exceeding the amount of the
21 tenant's damage or security deposit for damage to the property for
22 which the tenant is responsible together with reasonable attorneys'
23 fees.

24 (4) Payment of any refund due a tenant who paid any deposits,
25 nonrefundable fees, or last month's rent in installments shall be
26 permitted to be paid in installments as provided in section 1 of
27 this act."

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29 Correct the title.

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EFFECT: Provides that if a tenant paid any deposits,
nonrefundable fees, or last month's rent in installments, the tenant
must permit the landlord to pay the refund of any deposit in three
consecutive and equal monthly installments. Amends the statute

requiring that deposit refunds be paid within 21 days of the tenant's vacation of the property to allow for this exception.

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