

FINAL BILL REPORT

ESHB 1138

C 23 L 19
Synopsis as Enacted

Brief Description: Concerning the armed forces exceptions for giving notice of termination of a tenancy.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Ryu, Barkis, Leavitt, Reeves, Harris, Macri, Klippert, Kilduff, Dolan, Shea, Sells, Appleton, Goodman, Young, Riccelli and Stanford; by request of Military Department).

House Committee on Civil Rights & Judiciary
Senate Committee on Financial Institutions, Economic Development & Trade

Background:

Both the Residential Landlord Tenant Act (RLTA) and the Manufactured/Mobile Home Landlord Tenant Act (MMHLTA) includes provisions regarding termination of tenancy.

Residential Landlord Tenant Act: Termination of Tenancy by Tenant.

The RLTA regulates the relationship between most residential landlords and tenants. A tenancy may be for a specified time, such as one year, or it may be a periodic tenancy for an indefinite time, such as from month to month.

A tenancy for a specified time is deemed terminated at the end of the specified time period. A tenant who terminates a lease prior to the end is liable for rent until the end of the time period, although the landlord is required to mitigate his or her damages by attempting to re-rent the unit at a fair rental price. A tenancy for a specified time may be terminated earlier by a tenant who is a member of the Armed Forces, including the National Guard and Armed Forces Reserve, or that tenant's spouse or dependent, if the tenant receives reassignment or deployment orders, in which case notice of the reassignment or deployment order must be provided within seven days of receipt of the orders.

A periodic tenancy automatically renews for another period until terminated by either the landlord or the tenant by giving at least 20 days' written notice prior to the end of any of the months or periods of tenancy. A tenant who is a member of the Armed Forces, or the tenant's spouse or dependent, may terminate such a tenancy without giving 20 days' notice if the tenant receives reassignment or deployment orders that do not allow for 20 days' notice to be given.

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.

Manufactured/Mobile Home Landlord Tenant Act: Termination of Tenancy by Tenant.

The MMHLTA regulates the relationship between the owner of a mobile home park or manufactured housing community (landlord) and the owner of the mobile or manufactured home (tenant). A rental agreement under the MMHLTA is for a period of one year, unless the parties agree to a different period. The rental agreement is automatically renewed for the term of the original agreement, unless the parties agree to a different term. A tenant must notify the landlord in writing one month prior to the expiration of the rental agreement of an intention not to renew.

There are exceptions which permit a tenant to terminate earlier:

- Whenever a change in the location of the tenant's employment requires a change in his or her residence, a tenant may terminate the rental agreement with 30 days' notice. The tenant is not liable for the rent following such a termination unless the landlord is unable to re-rent the mobile home lot at a fair rental price after diligent and reasonable efforts to do so.
- A tenant who is a member of the Armed Forces, including the National Guard and Armed Forces Reserve, or the tenant's spouse or dependent, may terminate with less than 30 days' notice if the tenant receives reassignment or deployment orders that do not allow for greater notice. In that case, the tenant must provide notice of the reassignment or deployment order to the landlord no later than seven days after receipt.

Summary:

New rules are put in place for termination of a tenancy by a tenant who is a member of the Armed Forces, including the National Guard and Armed Forces Reserves, or that tenant's spouse or dependent (collectively referred to as service member) under both the Residential Landlord Tenant Act (RLTA) and the Manufactured/Mobile Home Landlord Tenant Act (MMHLTA).

Residential Landlord Tenant Act: Termination of Tenancy by Tenant Member of the Armed Forces.

A tenancy for a specified time may be terminated by a service member prior to the end of the specified time if the service member receives a permanent change of station (rather than reassignment) or deployment orders. Before terminating the tenancy, the service member must provide written notice of 20 days or more to the landlord, and the notice must include a copy of the official military orders or a signed letter from the service member's commanding officer confirming that any of the following six criteria are met:

- the service member is required, pursuant to permanent change of station orders, to move 35 miles or more from the rental premises;
- the service member is prematurely or involuntarily discharged or released from active duty;
- the service member is released from active duty after having leased the premises while on active duty status and the premises is 35 miles or more from the service member's home of record prior to entering active duty;
- after entering into a rental agreement, the commanding officer directs the service member to move into government provided housing;

- the service member receives temporary duty orders, temporary change of station orders, or active duty orders to an area 35 miles or more from the location of the premises, provided the orders are for a period not less than 90 days; or
- the service member has leased the property, but prior to taking possession of the premises, receives change of station orders to an area that is 35 miles or more from the premises.

A service member may terminate a periodic tenancy with less than 20 days' written notice if the service member receives permanent change of station (rather than reassignment) or deployment orders that do not allow for the required 20 days' written notice to be given.

Manufactured/Mobile Home Landlord Tenant Act: Termination of Tenancy by Tenant Member of the Armed Forces.

A service member may terminate with less than 30 days' notice if the service member receives permanent change of station (rather than reassignment) or deployment orders that do not allow for greater notice. In that case, the service member must provide the landlord with a copy of the official military orders or a signed letter from the service member's commanding officer confirming that any of the same six criteria set forth above for purposes of the RLTA are met

Definitions.

The following definitions are added to both the RLTA and the MMHLTA:

- Active duty means service authorized by the President of the United States, the Secretary of Defense, or the Governor for a period of more than 30 consecutive days.
- Orders means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status.
- Permanent change of station means: (a) transfer to a unit located at another port or duty station; (b) change in a unit's home port or permanent duty station; (c) call to active duty for a period not less than 90 days; (d) separation; or (e) retirement.
- Service member means an active member of the United States Armed Forces, a member of a military reserve component, or a member of the National Guard who is either stationed in or a resident of Washington.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: July 28, 2019