

SENATE BILL REPORT

SB 5180

As of January 22, 2019

Title: An act relating to the armed forces exceptions for giving notice of termination of tenancy.

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

Sponsors: Senators Hobbs, Zeiger, Takko, Fortunato, Rolfes, Conway, Schoesler, Short, Palumbo, Hasegawa, Wagoner and Mullet; by request of Military Department.

Brief History:

Committee Activity: Financial Institutions, Economic Development & Trade: 1/22/19.

Brief Summary of Bill

- Provides service members the right to terminate rental agreements with less than twenty days' written notice under certain conditions when receiving orders of a permanent change of station.
- Requires service members to provide official military orders or a signed letter from the service member's commanding officer to landlords when terminating certain rental agreements.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, ECONOMIC DEVELOPMENT & TRADE

Staff: Kellee Gunn (786-7429)

Background: Terminating Tenancy. The Residential Landlord-Tenant Act (RLTA) regulates the rights and duties of landlords and tenants in residential rental housing. In cases where a dwelling is rented month-to-month, tenants have to provide the landlord written notice 20 days before. In all cases where premises are rented for a specified time, by express or implied contract, the tenancy shall end at the end of the specified time.

The Manufactured/Mobile Home Landlord Tenant Act (MMHLTA) regulates the relationship between the owner of a manufactured/mobile home community (landlord) and the owner of the manufactured or mobile home (tenant). The MMHLTA requires the tenant to notify the landlord, in writing, one month prior to not renewing the rental agreement.

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.

Notice by a Member of the Armed Forces, National Guard, and Armed Forces Reserves. Residential tenants, and their spouses and dependents, who are members of the armed services, National Guard, and armed forces reserves may terminate tenancy with less than 20 days notice if they receive reassignment orders that do not allow a 20-day notice. The tenancy may be terminated upon receipt of deployment or reassignment orders. If their deployment is for a specified time, the tenant must give seven days notice to the landlord of the reassignment or deployment.

The same right to terminate a rental agreement for the purpose of deployment or reassignment orders extends to the MMHLTA.

Members of the armed services, National Guard, and armed forces reserves, who are in a long-term rental agreement, must provide their landlords notification of reassignment orders within seven days of receiving them.

Summary of Bill: The RLTA and the MMHLTA, are amended to provide service members the right to terminate their rental agreements under certain conditions when receiving orders of a permanent change of station (PCS). Service members are defined as:

- 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 State.

Permanent Change of Station or Deployment Orders. A tenant who is a service member may terminate a month-to-month rental agreement with less than twenty days' written notice if the tenant, or that tenant's spouse or dependent, receives PCS or deployment orders that do not allow a twenty-day written notice. If a tenant is covered under the MMHLTA, they may terminate the rental agreement with less than thirty days notice if the tenant receives PCS or deployment orders.

A PCS is defined as any of the following:

- transfer to a unit located at another port or duty station;
- change in a unit's home port or permanent duty station;
- a call to active duty for a period not less than 90 days;
- separation; or
- retirement.

Criteria for Terminating Tenancy in Longer Term Rental. Tenancy shall be terminated by written notice of 20 days or more to the landlord for longer term rentals than month-to-month for service members and must include a copy of the official military orders or a signed letter from the service member's commanding officer confirming the following criteria are met:

- the service member is required to move 35 miles or more from the location of 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 rental premises while on active duty status, and the rental premises is thirty-five miles or

- more from the service member's home of record that was on file at the time of entering active duty;
- the commanding officer directs the service member to move into government provided housing or the service member becomes eligible to live in, and opts 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 rental premises, provided such 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 rental premises, receives change of station orders to an area that is thirty-five miles or more from the location of the rental premises.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This is an update to the Landlord-Tenant Act. There are instances where a service member does not receive early notice of a PCS and this allows for that, without undue burden on the landlord. This is important to Washington armed service members. By clarifying requirements for breaking leases, it will ease the burden on landlords, service members and their families, and lawyers who work on tenancy termination. This legislation is based on laws in other states, such as Virginia, who have a significant population of armed service members. Over the summer the stakeholders, sponsor, and staff came together and drafted this bill.

Persons Testifying: PRO: Senator Steve Hobbs, Prime Sponsor; Ted Wicorek, Veterans Legislative Coalition; Major Alex Straub, Washington National Guard, Deputy Staff Judge Advocate; Kyle Woodring, Rental Housing Association of Washington; Kathryn Hedrick, Washington Multifamily Housing Association.

Persons Signed In To Testify But Not Testifying: No one.