

# SENATE BILL REPORT

## SB 5600

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As Reported by Senate Committee On:  
Housing Stability & Affordability, February 18, 2019

**Title:** An act relating to residential tenant protections.

**Brief Description:** Concerning residential tenant protections.

**Sponsors:** Senators Kuderer, Das, Nguyen, Frockt, Cleveland, Darneille, Saldaña, Hasegawa, Wilson, C., Conway, Randall, Wellman, Keiser, Hunt, Pedersen and Liias.

**Brief History:**

**Committee Activity:** Housing Stability & Affordability: 1/28/19, 2/18/19 [DPS, DNP].

### Brief Summary of First Substitute Bill

- Extends the 3-day notice to pay and vacate for default in rent payment to 14 days notice for tenancies under the Residential Landlord-Tenant Act.
- Creates a uniform 14-day notice to pay and vacate that includes information on how tenants can access legal and advocacy resources. Requires the Department of Commerce to provide translated versions of the uniform 14-day notice on its website in at least the top 10 languages used in the state.
- Requires a landlord to first apply any tenant payment to rent before applying the payment toward other charges.
- Prohibits continued tenancy and relief from forfeiture to be conditioned upon tenant payment or satisfaction of any monetary amount other than rent.
- Provides the court with discretion to provide relief from forfeiture or to stay a writ of restitution based upon the required consideration of certain factors and with the burden of proof for relief on the tenant.
- Authorizes the court to consider the reasonableness of late fees and costs and attorneys' fees before awarding such fees.

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### SENATE COMMITTEE ON HOUSING STABILITY & AFFORDABILITY

**Staff:** Brandon Popovac (786-7465)

**Background:** The Residential Landlord-Tenant Act (RLTA) regulates the creation of residential tenancies and the relationship between landlords and tenants of residential dwelling units. The RLTA establishes rights and duties of both tenants and landlords, procedures for the parties to enforce their rights, and remedies for violations of the RLTA. The RLTA covers a wide variety of other issues governing the landlord-tenant relationship, including:

- landlord and tenant obligations if the tenant fails to pay rent owned to the landlord and remains uncompliant if after a notice period of three days and the resulting unlawful detainer court process;
- what living arrangements constitute a tenancy;

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- how and when a tenancy terminates;
- landlord notice to the tenant of any rent change amount; and the monetary damages recovery by the tenant if a landlord knowingly and deliberately uses a rental agreement that contains prohibited provisions.

Some issues not covered under the RLTA include how rent is defined, how and when landlords apply tenant payments to rent or other costs and fees, and how tenant damages to a dwelling unit are documented by the landlord.

**Summary of Bill (First Substitute):**

**Appropriation:**

**Fiscal Note:**

**Creates Committee/Commission/Task Force that includes Legislative members:**

**Effective Date:**

**Staff Summary of Public Testimony:** test

**Persons Testifying:** PRO: Senator Patty Kuderer, Prime Sponsor; Gina Owens; Xochitl Maykovich, Washington Community Action Network / Political Director; Justin Gifford, Physician's Assistant; KeAndra Radchenko; Michele Thomas, Washington Low Income Housing Alliance; Colleen Mancino; Dinah Braccio, Tenants Union; Edmund Witter, King County Bar Association; Tim Thomas, Moore-Sloan & WRF Data Science Fellow at University of Washington; Renee Kimball; Mark Chattin, CCS Tenant Law Center; Mary Jo Shannon, St. Vincent de Paul Society of King County; keilani luxmore, washington community action network; Kelly Rider, King County - Dept of Community & Human Services.

CON: Chris Dobler; Jennifer Wamboldt; Kaitlyn Jackson; Rob Trickler, WA Landlord Assn; Errin Reynolds, WA Landlord Assn; Duncan Green; Joseph Fisher; Cory Brewer; Bryant Casal; David Nagel; Joseph Puckett, self; Melissa Koenig, self; Steve Williams, self.

**Persons Signed In To Testify But Not Testifying:** PRO: Lindsey Grad, SEIU Healthcare 1199NW; Laura Downing, Parents Organizing for Welfare & Economic Rights; Sarah Nagy, Staff Attorney, Columbia Legal Services; KIm Thornton; violeta sialer, washington commuinity action; john vanek; Melodie Clark, Real Change; colleen mancino.

CON: Chrysztyna Rowek, NW Regional VP for the National Association of Residential Property Managers; DAN WHITE, WASHINGTON LANDLORD ASSOCIATION INDEPENDENT LANDLORD; DAN WHITE, WASHINGTON LANDLORD ASSOCIATION INDEPENDENT LANDLORD; Drew Mazzeo; Kristin Stewart, Windermere Property Management; Daren Rogers, D & L Properties; Cheryl Sesnon, Jubilee Women's Center.

OTHER: Lynn Kohner.