
SUBSTITUTE SENATE BILL 5123

State of Washington **66th Legislature** **2019 Regular Session**

By Senate Law & Justice (originally sponsored by Senator Padden)

READ FIRST TIME 01/25/19.

1 AN ACT Relating to defining four days in unlawful detainer
2 actions; and amending RCW 59.12.030, 59.12.020, and 59.12.100.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 59.12.030 and 1998 c 276 s 6 are each amended to
5 read as follows:

6 (1) A tenant of real property for a term less than life is guilty
7 of unlawful detainer either:

8 ~~((1))~~ (a) When he or she holds over or continues in possession,
9 in person or by subtenant, of the property or any part thereof after
10 the expiration of the term for which it is let to him or her. When
11 real property is leased for a specified term or period by express or
12 implied contract, whether written or oral, the tenancy shall be
13 terminated without notice at the expiration of the specified term or
14 period;

15 ~~((2))~~ (b) When he or she, having leased property for an
16 indefinite time with monthly or other periodic rent reserved,
17 continues in possession thereof, in person or by subtenant, after the
18 end of any such month or period, when the landlord, more than twenty
19 days prior to the end of such month or period, has served notice (in
20 manner in RCW 59.12.040 provided) requiring him or her to quit the
21 premises at the expiration of such month or period;

1 (~~(3)~~) (c) When he or she continues in possession in person or
2 by subtenant after a default in the payment of rent, and after notice
3 in writing requiring in the alternative the payment of the rent or
4 the surrender of the detained premises, served (in manner in RCW
5 59.12.040 provided) in behalf of the person entitled to the rent upon
6 the person owing it, has remained uncomplined with for the period of
7 (~~three~~) four days after service thereof. The notice may be served
8 at any time after the rent becomes due;

9 (~~(4)~~) (d) When he or she continues in possession in person or
10 by subtenant after a neglect or failure to keep or perform any other
11 condition or covenant of the lease or agreement under which the
12 property is held, including any covenant not to assign or sublet,
13 than one for the payment of rent, and after notice in writing
14 requiring in the alternative the performance of such condition or
15 covenant or the surrender of the property, served (in manner in RCW
16 59.12.040 provided) upon him or her, and if there is a subtenant in
17 actual possession of the premises, also upon such subtenant, shall
18 remain uncomplined with for ten days after service thereof. Within ten
19 days after the service of such notice the tenant, or any subtenant in
20 actual occupation of the premises, or any mortgagee of the term, or
21 other person interested in its continuance, may perform such
22 condition or covenant and thereby save the lease from such
23 forfeiture;

24 (~~(5)~~) (e) When he or she commits or permits waste upon the
25 demised premises, or when he or she sets up or carries on thereon any
26 unlawful business, or when he or she erects, suffers, permits, or
27 maintains on or about the premises any nuisance, and remains in
28 possession after the service (in manner in RCW 59.12.040 provided)
29 upon him or her of (~~three~~) four days' notice to quit;

30 (~~(6)~~) (f) A person who, without the permission of the owner and
31 without having color of title thereto, enters upon land of another
32 and who fails or refuses to remove therefrom after (~~three~~) four
33 days' notice, in writing and served upon him or her in the manner
34 provided in RCW 59.12.040. Such person may also be subject to the
35 criminal provisions of chapter 9A.52 RCW; or

36 (~~(7)~~) (g) When he or she commits or permits any gang-related
37 activity at the premises as prohibited by RCW 59.18.130.

38 (2) For the purposes of this section, "four days" means four
39 calendar days. The calculation of four calendar days does not include
40 any weekend days or holidays.

1 **Sec. 2.** RCW 59.12.020 and 1891 c 96 s 2 are each amended to read
2 as follows:

3 Every person is guilty of a forcible detainer who either—(1) By
4 force, or by menaces and threats of violence, unlawfully holds and
5 keeps the possession of any real property, whether the same was
6 acquired peaceably or otherwise; or—(2) Who in the nighttime, or
7 during the absence of the occupant of any real property, enters
8 thereon, and who, after demand made for the surrender thereof,
9 refuses for the period of (~~three~~) four days to surrender the same
10 to such former occupant. The occupant of real property within the
11 meaning of this (~~subdivision~~) section is one who for the five days
12 next preceding such unlawful entry was in the peaceable and
13 undisturbed possession of such real property.

14 **Sec. 3.** RCW 59.12.100 and 2010 c 8 s 19011 are each amended to
15 read as follows:

16 The sheriff shall, upon receiving the writ of restitution,
17 forthwith serve a copy thereof upon the defendant, his or her agent
18 or attorney, or a person in possession of the premises, and shall not
19 execute the same for (~~three~~) four days thereafter, nor until after
20 the defendant has been served with summons in the action as
21 hereinabove provided, and the defendant, or person in possession of
22 the premises within (~~three~~) four days after the service of the writ
23 of restitution may execute to the plaintiff a bond to be filed with
24 and approved by the clerk of the court in such sum as may be fixed by
25 the judge, with sufficient surety to be approved by the clerk of said
26 court, conditioned that he or she will pay to the plaintiff such sum
27 as the plaintiff may recover for the use and occupation of the said
28 premises, or any rent found due, together with all damages the
29 plaintiff may sustain by reason of the defendant occupying or keeping
30 possession of said premises, and also all the costs of the action.
31 The plaintiff, his or her agent or attorneys, shall have notice of
32 the time and place where the court or judge thereof shall fix the
33 amount of the defendant's bond, and shall have notice and a
34 reasonable opportunity to examine into the qualification and
35 sufficiency of the sureties upon said bond before said bond shall be
36 approved by the clerk. The writ may be served by the sheriff, in the
37 event he or she shall be unable to find the defendant, an agent or

1 attorney, or a person in possession of the premises, by affixing a
2 copy of said writ in a conspicuous place upon the premises.

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