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SENATE BILL 5123

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State of Washington

66th Legislature

2019 Regular Session

By Senator Padden

Prefiled 01/10/19.

1 AN ACT Relating to defining three days in unlawful detainer  
2 actions; and amending RCW 59.12.030.

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 uncomplished with for the period of  
7 three days after service thereof. The notice may be served at any  
8 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 uncomplished 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 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 days'  
33 notice, in writing and served upon him or her in the manner provided  
34 in RCW 59.12.040. Such person may also be subject to the criminal  
35 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.

1        (2) For the purposes of this section, "three days" means three  
2 calendar days. The calculation of three calendar days does not  
3 include any weekend days or holidays.

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