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**SUBSTITUTE SENATE BILL 5733**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Financial Institutions, Economic Development & Trade  
(originally sponsored by Senators Saldaña, Nguyen, and Wilson, C.)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to protecting tenants in residential tenancies;  
2 amending RCW 59.12.030 and 59.18.200; creating a new section; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) A work group to study and make  
6 recommendations on just cause evictions for the protection of tenants  
7 in residential tenancies is hereby created. The work group membership  
8 shall consist of:

9 (a) The director of the department of commerce or his or her  
10 designee;

11 (b) Two members of the senate, appointed by the president of the  
12 senate, and representing each of the two largest caucuses of the  
13 senate;

14 (c) Two members of the house of representatives, appointed by the  
15 speaker of the house of representatives, representing each of the two  
16 largest caucuses of the house of representatives;

17 (d) Three representatives representing tenants; and

18 (e) Three representatives representing landlords.

19 (2) A chair shall be chosen from among the work group's  
20 membership.

21 (3) The work group shall function within existing resources.

1 (4) The department of commerce shall convene the first meeting of  
2 the work group.

3 (5) The work group shall review and make recommendations on the  
4 notice required by a landlord to a tenant before terminating tenancy.  
5 The work group may also review the residential landlord-tenant act in  
6 chapter 59.18 RCW against similar laws in other states and  
7 jurisdictions, and make recommendations based on its findings.

8 (6) The work group shall submit, in compliance with RCW  
9 43.01.036, a report of its findings and recommendations for  
10 legislation to the appropriate committees of the legislature by  
11 December 1, 2019.

12 (7) Legislative members of the task force are reimbursed for  
13 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
14 members are not entitled to be reimbursed for travel expenses if they  
15 are elected officials or are participating on behalf of an employer,  
16 governmental entity, or other organization. Any reimbursement for  
17 other nonlegislative members is subject to chapter 43.03 RCW.

18 **Sec. 2.** RCW 59.12.030 and 1998 c 276 s 6 are each amended to  
19 read as follows:

20 A tenant of real property for a term less than life is guilty of  
21 unlawful detainer either:

22 (1) When he or she holds over or continues in possession, in  
23 person or by subtenant, of the property or any part thereof after the  
24 expiration of the term for which it is let to him or her. When real  
25 property is leased for a specified term or period by express or  
26 implied contract, whether written or oral, the tenancy shall be  
27 terminated without notice at the expiration of the specified term or  
28 period;

29 (2) When he or she, having leased property for an indefinite time  
30 with monthly or other periodic rent reserved, continues in possession  
31 thereof, in person or by subtenant, after the end of any such month  
32 or period, when the landlord, more than twenty days prior to the end  
33 of such month or period or more than fifty days prior to the end of  
34 such month or period for tenancies under chapter 59.18 RCW, has  
35 served notice (in manner in RCW 59.12.040 provided) requiring him or  
36 her to quit the premises at the expiration of such month or period;

37 (3) When he or she continues in possession in person or by  
38 subtenant after a default in the payment of rent, and after notice in  
39 writing requiring in the alternative the payment of the rent or the

1 surrender of the detained premises, served (in manner in RCW  
2 59.12.040 provided) in behalf of the person entitled to the rent upon  
3 the person owing it, has remained uncomplished with for the period of  
4 three days after service thereof. The notice may be served at any  
5 time after the rent becomes due;

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

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

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

33 (7) When he or she commits or permits any gang-related activity  
34 at the premises as prohibited by RCW 59.18.130.

35 **Sec. 3.** RCW 59.18.200 and 2008 c 113 s 4 are each amended to  
36 read as follows:

37 (1)(a) When premises are rented for an indefinite time, with  
38 monthly or other periodic rent reserved, such tenancy shall be  
39 construed to be a tenancy from month to month, or from period to

1 period on which rent is payable, and shall be terminated by written  
2 notice of twenty days or more, preceding the end of any of the months  
3 or periods of tenancy, ~~((given))~~ by ~~((either party to))~~ the ~~((other))~~  
4 tenant. A landlord must give written notice of fifty days or more  
5 before a tenancy may be terminated.

6 (b) Any tenant who is a member of the armed forces, including the  
7 national guard and armed forces reserves, or that tenant's spouse or  
8 dependent, may terminate a rental agreement with less than twenty  
9 days' notice if the tenant receives reassignment or deployment orders  
10 that do not allow a twenty-day notice.

11 (2)(a) Whenever a landlord plans to change to a policy of  
12 excluding children, the landlord shall give a written notice to a  
13 tenant at least ninety days before termination of the tenancy to  
14 effectuate such change in policy. Such ninety-day notice shall be in  
15 lieu of the notice required by subsection (1) of this section.  
16 However, if after giving the ninety-day notice the change in policy  
17 is delayed, the notice requirements of subsection (1) of this section  
18 shall apply unless waived by the tenant.

19 (b) Whenever a landlord plans to change any apartment or  
20 apartments to a condominium form of ownership, the landlord shall  
21 provide a written notice to a tenant at least one hundred twenty days  
22 before termination of the tenancy, in compliance with RCW  
23 64.34.440(1), to effectuate such change. The one hundred twenty-day  
24 notice is in lieu of the notice required in subsection (1) of this  
25 section. However, if after providing the one hundred twenty-day  
26 notice the change to a condominium form of ownership is delayed, the  
27 notice requirements in subsection (1) of this section apply unless  
28 waived by the tenant.

29 (c)(i) Whenever a landlord plans to demolish or substantially  
30 rehabilitate a premises or plans a change of use of the premises, the  
31 landlord shall provide a written notice to a tenant at least one  
32 hundred twenty days before termination of the tenancy. This  
33 subsection does not apply where a jurisdiction has created a  
34 relocation assistance program under RCW 59.18.440.

35 (ii) For purposes of this subsection (2)(c):

36 (A) "Assisted housing development" means a multifamily rental  
37 housing development that either receives government assistance and is  
38 defined as federally assisted housing in RCW 59.28.020, or that  
39 receives other federal, state, or local government assistance and is  
40 subject to use restrictions.

1 (B) "Change of use" means: (I) Conversion of any premises from a  
2 residential use to a nonresidential use that results in the  
3 displacement of an existing tenant; (II) conversion from one type of  
4 residential use to another type of residential use that results in  
5 the displacement of an existing tenant, such as conversion to a  
6 retirement home, emergency shelter, or transient hotel; or (III)  
7 conversion following removal of use restrictions from an assisted  
8 housing development that results in the displacement of an existing  
9 tenant: PROVIDED, That displacement of an existing tenant in order  
10 that the owner or a member of the owner's immediate family may occupy  
11 the premises does not constitute a change of use.

12 (C) "Demolish" means the destruction of a premises or the  
13 relocation of a premises to another site that results in the  
14 displacement of an existing tenant.

15 (D) "Substantially rehabilitate" means extensive structural  
16 repair or extensive remodeling of a premises that requires a permit  
17 such as a building, electrical, plumbing, or mechanical permit, and  
18 that results in the displacement of an existing tenant.

19 (d) A person in violation of (c) of this subsection shall be held  
20 liable in a civil action up to three times the monthly rent of the  
21 real property at issue. The prevailing party may also recover court  
22 costs and reasonable attorneys' fees.

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