

HB 1441 - H AMD 349

By Representative Peterson

1 On page 2, line 30, after "**Sec. 2.**" insert "A new section is
2 added to chapter 59.18 RCW to read as follows:

3 (1) A landlord may not report to a prospective landlord or to a
4 tenant screening service provider:

5 (a) A tenant's nonpayment of rent that accrued between March 1,
6 2020 and the end of the eviction moratorium; or

7 (b) An unlawful detainer action pursuant to RCW 59.12.030(3)
8 that resulted from a tenant's nonpayment of rent between March 1,
9 2020 and the end of the eviction moratorium.

10 (2) A tenant screening service provider may not disclose or
11 otherwise use for the purposes of a tenant screening report:

12 (a) The existence of an unlawful detainer action described in
13 subsection (1) of this section; or

14 (b) Information regarding a tenant's nonpayment of rent between
15 March 1, 2020 and the end of the eviction moratorium in a tenant
16 screening report.

17 (3) A person in violation of this section shall be liable in a
18 civil action for up to one hundred dollars for each violation as well
19 as court costs and reasonable attorneys' fees.

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21 **Sec. 3.** RCW 59.18.030 and 2019 c 356 s 5 are each amended to read
22 as follows:

23 As used in this chapter:

24 (1) "Active duty" means service authorized by the president of
25 the United States, the secretary of defense, or the governor for a
26 period of more than thirty consecutive days.

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1 (2) "Certificate of inspection" means an unsworn statement,
2 declaration, verification, or certificate made in accordance with
3 the requirements of chapter 5.50 RCW by a qualified inspector that
4 states that the landlord has not failed to fulfill any substantial
5 obligation imposed under RCW 59.18.060 that endangers or impairs the
6 health or safety of a tenant, including (a) structural members that
7 are of insufficient size or strength to carry imposed loads with
8 safety, (b) exposure of the occupants to the weather, (c) plumbing
9 and sanitation defects that directly expose the occupants to the
10 risk of illness or injury, (d) not providing facilities adequate to
11 supply heat and water and hot water as reasonably required by the
12 tenant, (e) providing heating or ventilation systems that are not
13 functional or are hazardous, (f) defective, hazardous, or missing
14 electrical wiring or electrical service, (g) defective or hazardous
15 exits that increase the risk of injury to occupants, and (h)
16 conditions that increase the risk of fire.

17 (3) "Commercially reasonable manner," with respect to a sale of
18 a deceased tenant's personal property, means a sale where every
19 aspect of the sale, including the method, manner, time, place, and
20 other terms, must be commercially reasonable. If commercially
21 reasonable, a landlord may sell the tenant's property by public or
22 private proceedings, by one or more contracts, as a unit or in
23 parcels, and at any time and place and on any terms.

24 (4) "Comprehensive reusable tenant screening report" means a
25 tenant screening report prepared by a consumer reporting agency at
26 the direction of and paid for by the prospective tenant and made
27 available directly to a prospective landlord at no charge, which
28 contains all of the following: (a) A consumer credit report prepared
29 by a consumer reporting agency within the past thirty days; (b) the
30 prospective tenant's criminal history; (c) the prospective tenant's
31 eviction history; (d) an employment verification; and (e) the
32 prospective tenant's address and rental history.

33 (5) "Criminal history" means a report containing or summarizing
34 (a) the prospective tenant's criminal convictions and pending cases,

1 the final disposition of which antedates the report by no more than
2 seven years, and (b) the results of a sex offender registry and
3 United States department of the treasury's office of foreign assets
4 control search, all based on at least seven years of address history
5 and alias information provided by the prospective tenant or
6 available in the consumer credit report.

7 (6) "Designated person" means a person designated by the tenant
8 under RCW 59.18.590.

9 (7) "Distressed home" has the same meaning as in RCW 61.34.020.

10 (8) "Distressed home conveyance" has the same meaning as in RCW
11 61.34.020.

12 (9) "Distressed home purchaser" has the same meaning as in RCW
13 61.34.020.

14 (10) "Dwelling unit" is a structure or that part of a structure
15 which is used as a home, residence, or sleeping place by one person
16 or by two or more persons maintaining a common household, including
17 but not limited to single-family residences and units of
18 multiplexes, apartment buildings, and mobile homes.

19 (11) "Eviction history" means a report containing or summarizing
20 the contents of any records of unlawful detainer actions concerning
21 the prospective tenant that are reportable in accordance with state
22 law, are lawful for landlords to consider, and are obtained after a
23 search based on at least seven years of address history and alias
24 information provided by the prospective tenant or available in the
25 consumer credit report.

26 (12) "Gang" means a group that: (a) Consists of three or more
27 persons; (b) has identifiable leadership or an identifiable name,
28 sign, or symbol; and (c) on an ongoing basis, regularly conspires
29 and acts in concert mainly for criminal purposes.

30 (13) "Gang-related activity" means any activity that occurs
31 within the gang or advances a gang purpose.

32 (14) "In danger of foreclosure" means any of the following:

33 (a) The homeowner has defaulted on the mortgage and, under the
34 terms of the mortgage, the mortgagee has the right to accelerate

1 full payment of the mortgage and repossess, sell, or cause to be
2 sold the property;

3 (b) The homeowner is at least thirty days delinquent on any loan
4 that is secured by the property; or

5 (c) The homeowner has a good faith belief that he or she is
6 likely to default on the mortgage within the upcoming four months
7 due to a lack of funds, and the homeowner has reported this belief to:

8 (i) The mortgagee;

9 (ii) A person licensed or required to be licensed under chapter
10 19.134 RCW;

11 (iii) A person licensed or required to be licensed under chapter
12 19.146 RCW;

13 (iv) A person licensed or required to be licensed under chapter
14 18.85 RCW;

15 (v) An attorney-at-law;

16 (vi) A mortgage counselor or other credit counselor licensed or
17 certified by any federal, state, or local agency; or

18 (vii) Any other party to a distressed property conveyance.

19 (15) "Landlord" means the owner, lessor, or sublessor of the
20 dwelling unit or the property of which it is a part, and in addition
21 means any person designated as representative of the owner, lessor,
22 or sublessor including, but not limited to, an agent, a resident
23 manager, or a designated property manager.

24 (16) "Mortgage" is used in the general sense and includes all
25 instruments, including deeds of trust, that are used to secure an
26 obligation by an interest in real property.

27 (17) "Orders" means written official military orders, or any
28 written notification, certification, or verification from the
29 service member's commanding officer, with respect to the service
30 member's current or future military status.

31 (18) "Owner" means one or more persons, jointly or severally, in
32 whom is vested:

33 (a) All or any part of the legal title to property; or
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1 (b) All or part of the beneficial ownership, and a right to
2 present use and enjoyment of the property.

3 (19) "Permanent change of station" means: (a) Transfer to a unit
4 located at another port or duty station; (b) change in a unit's home
5 port or permanent duty station; (c) call to active duty for a period
6 not less than ninety days; (d) separation; or (e) retirement.

7 (20) "Person" means an individual, group of individuals,
8 corporation, government, or governmental agency, business trust,
9 estate, trust, partnership, or association, two or more persons
10 having a joint or common interest, or any other legal or commercial
11 entity.

12 (21) "Premises" means a dwelling unit, appurtenances thereto,
13 grounds, and facilities held out for the use of tenants generally
14 and any other area or facility which is held out for use by the tenant.

15 (22) "Property" or "rental property" means all dwelling units on
16 a contiguous quantity of land managed by the same landlord as a
17 single, rental complex.

18 (23) "Prospective landlord" means a landlord or a person who
19 advertises, solicits, offers, or otherwise holds a dwelling unit out
20 as available for rent.

21 (24) "Prospective tenant" means a tenant or a person who has
22 applied for residential housing that is governed under this chapter.

23 (25) "Qualified inspector" means a United States department of
24 housing and urban development certified inspector; a Washington
25 state licensed home inspector; an American society of home
26 inspectors certified inspector; a private inspector certified by the
27 national association of housing and redevelopment officials, the
28 American association of code enforcement, or other comparable
29 professional association as approved by the local municipality; a
30 municipal code enforcement officer; a Washington licensed structural
31 engineer; or a Washington licensed architect.

32 (26) "Reasonable attorneys' fees," where authorized in this
33 chapter, means an amount to be determined including the following
34 factors: The time and labor required, the novelty and difficulty of

1 the questions involved, the skill requisite to perform the legal
2 service properly, the fee customarily charged in the locality for
3 similar legal services, the amount involved and the results
4 obtained, and the experience, reputation and ability of the lawyer
5 or lawyers performing the services.

6 (27) "Reasonable manner," with respect to disposing of a
7 deceased tenant's personal property, means to dispose of the
8 property by donation to a not-for-profit charitable organization, by
9 removal of the property by a trash hauler or recycler, or by any
10 other method that is reasonable under the circumstances.

11 (28) "Rent" or "rental amount" means recurring and periodic
12 charges identified in the rental agreement for the use and occupancy
13 of the premises, which may include charges for utilities. Except as
14 provided in RCW 59.18.283(3), these terms do not include
15 nonrecurring charges for costs incurred due to late payment,
16 damages, deposits, legal costs, or other fees, including attorneys'
17 fees.

18 (29) "Rental agreement" means all agreements which establish or
19 modify the terms, conditions, rules, regulations, or any other
20 provisions concerning the use and occupancy of a dwelling unit.

21 (30) "Service member" means an active member of the United
22 States armed forces, a member of a military reserve component, or a
23 member of the national guard who is either stationed in or a
24 resident of Washington state.

25 (31) A "single-family residence" is a structure maintained and
26 used as a single dwelling unit. Notwithstanding that a dwelling unit
27 shares one or more walls with another dwelling unit, it shall be
28 deemed a single-family residence if it has direct access to a street
29 and shares neither heating facilities nor hot water equipment, nor
30 any other essential facility or service, with any other dwelling unit.

31 (32) A "tenant" is any person who is entitled to occupy a
32 dwelling unit primarily for living or dwelling purposes under a
33 rental agreement.

34 (33) "Tenant representative" means:

1 (a) A personal representative of a deceased tenant's estate if
2 known to the landlord;

3 (b) If the landlord has no knowledge that a personal
4 representative has been appointed for the deceased tenant's estate,
5 a person claiming to be a successor of the deceased tenant who has
6 provided the landlord with proof of death and an affidavit made by
7 the person that meets the requirements of RCW 11.62.010(2);

8 (c) In the absence of a personal representative under (a) of
9 this subsection or a person claiming to be a successor under (b) of
10 this subsection, a designated person; or

11 (d) In the absence of a personal representative under (a) of
12 this subsection, a person claiming to be a successor under (b) of
13 this subsection, or a designated person under (c) of this
14 subsection, any person who provides the landlord with reasonable
15 evidence that he or she is a successor of the deceased tenant as
16 defined in RCW 11.62.005. The landlord has no obligation to identify
17 all of the deceased tenant's successors.

18 (34) "Tenant screening" means using a consumer report or other
19 information about a prospective tenant in deciding whether to make
20 or accept an offer for residential rental property to or from a
21 prospective tenant.

22 (35) "Tenant screening report" means a consumer report as
23 defined in RCW 19.182.010 and any other information collected by a
24 tenant screening service.

25 (36) "COVID-19 pandemic" means the public health emergency
26 related to the 2019 novel coronavirus disease that was declared a
27 pandemic by the world health organization on March 11, 2020.

28 (37) "Eviction moratorium" includes:

29 (a) The moratorium on residential evictions established by the
30 governor through proclamation 20-19 beginning March 18, 2020, and
31 includes all subsequent orders extending and amending this
32 proclamation; and

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1 (b) Any federal order requiring a temporary halt on residential
2 evictions issued by a federal agency or authority during the
3 COVID-19 pandemic.

4

5 NEW SECTION. Sec. 4."

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7 Correct the title.

EFFECT:

- Prohibits a landlord from reporting to a prospective landlord or to a tenant screening service provider a tenant's nonpayment of rent that accrued between March 1, 2020 and the end of the eviction moratorium or the existence of an unlawful detainer action that resulted from nonpayment of rent during this same time period. Prescribes a civil penalty of \$100 plus court costs and reasonable attorneys' fees for each violation.
- Reorganizes content to apply new definitions to the Residential Landlord Tenant Act chapter.

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