

HOUSE BILL REPORT

HB 2105

As Reported by House Committee On:
Housing, Human Services & Veterans

Title: An act relating to service of notice on landlords and tenants.

Brief Description: Concerning service of notice on landlords and tenants.

Sponsors: Representatives Gilday, Chapman, Walen, Barkis and Sutherland.

Brief History:

Committee Activity:

Housing, Human Services & Veterans: 2/1/22, 2/3/22 [DPS].

Brief Summary of Substitute Bill

- Allows any notice required by the Manufactured/Mobile Home Landlord-Tenant Act to be served by electronic mail if certain conditions are met.

HOUSE COMMITTEE ON HOUSING, HUMAN SERVICES & VETERANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Peterson, Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman, Donaghy and Leavitt.

Minority Report: Do not pass. Signed by 2 members: Representatives Taylor, Vice Chair; Chopp.

Minority Report: Without recommendation. Signed by 1 member: Representative Jacobsen.

Staff: Serena Dolly (786-7150).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) governs the legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot within a mobile home park or manufactured housing community where the tenant has no ownership interest in the property or in the association that owns the property.

Notices served from a landlord to a tenant under the MHLTA must be:

- personally delivered to the tenant; or
- if the tenant is not at the mobile or manufactured home, affixed in a conspicuous place on the home with a copy mailed to the tenant at the tenant's last known address.

Notices served from a tenant to a landlord under the MHLTA must be:

- personally delivered to the landlord; or
- mailed to the landlord at the address provided in the rental agreement.

Summary of Substitute Bill:

A landlord may serve a notice to a tenant by sending a copy to the electronic mail (e-mail) address provided by the tenant with another copy sent by mail to the tenant's last known address if:

- the rental agreement or other signed document executed by the tenant specifies in bold type that notices will be given to the tenant by e-mail and by mail to the tenant's last known address;
- the tenant agrees to receive notices by e-mail and by mail to the tenant's last known address;
- the landlord provides the tenant with the e-mail address from which notices will be sent and directs the tenant to modify e-mail settings to allow e-mail from that address to avoid any filtration systems;
- the landlord notifies the tenant of any change in the e-mail address from which notices will be sent prior to the address change; and
- the landlord continues or resumes personal delivery of notices to the tenant if: (1) the tenant requests by e-mail, in writing, or verbally to receive notices delivered personally; (2) the landlord receives at least two returned or undeliverable e-mails; (3) the landlord does not receive an e-mail or written response within two weeks of any e-mail asking for a written response; or (4) the landlord is aware of any extended Internet outages that may interfere with e-mail delivery.

A tenant may serve a notice to a landlord to the e-mail address provided by the landlord if the landlord agrees to receive notices by e-mail.

Substitute Bill Compared to Original Bill:

The substitute bill requires the rental agreement or other signed document to specify that

notices will be sent by mail to the tenant's last known address in addition to being sent by e-mail. It also requires the tenant to expressly agree to receiving notices by mail at the tenant's last known address in addition to agreeing to receive notices by e-mail. The substitute bill also requires the landlord to continue or resume personal delivery of notices under specific circumstances.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill brings the law in line with today's reality. All property management systems are online. It includes safeguards by requiring a duplicate copy of any notice to be mailed to the tenant.

(Opposed) None.

Persons Testifying: Representative Greg Gilday, prime sponsor.

Persons Signed In To Testify But Not Testifying: Mike Hoover, Detente Management; Christy Mays, Manufactures Housing Communities of Washington; Olivia Swisher; and Ishbel Dickens, Association of Manufactured Home Owners.