

SENATE BILL REPORT

SB 5197

As of February 7, 2023

Title: An act relating to addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes.

Brief Description: Addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes.

Sponsors: Senators Kuderer, Saldaña, Frame, Nguyen, Nobles, Wellman and Wilson, C..

Brief History:

Committee Activity: Housing: 1/20/23.

Brief Summary of Bill

- Allows remote participation by any party in forcible and unlawful detainer actions.
- Prohibits default judgments from being entered against a tenant prior to the scheduled hearing date and time shown on the order to show cause.
- Extends the period of time that landlords must suspend court action to allow for payment of emergency rental assistance funds from seven to 14 days.
- Removes the prohibition on eligibility for a tenant to seek a stay of a writ of restitution upon good cause if a tenant is issued three or more 14-day notices within the previous 12-month period.
- Clarifies the procedures by which a court may issue an ex parte stay of the writ of restitution and set a hearing on the motion.
- Removes language in the uniform 14-day pay or vacate notice requiring landlords to provide 14-day pay or vacate notices to dispute resolution centers upon expiration of the eviction resolution pilot program.

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.

SENATE COMMITTEE ON HOUSING

Staff: Riley Bengé (786-7316)

Background: Residential Landlord-Tenant Act. The Residential Landlord-Tenant Act (RLTA) regulates the creation of residential tenancies and the relationship between landlords and tenants of residential dwelling units. The RLTA establishes rights and duties of both tenants and landlords, procedures for the parties to enforce their rights, how and when a tenancy expires or may be ended, and remedies for violations of the RLTA.

Forcible Entry or Unlawful Detainer Actions. If the court finds in favor of the landlord against a tenant, a judgment shall be entered for the restitution of the premises. Execution upon the judgment may not occur until five court days have passed after the entry of the judgment. A tenant may seek to restore their tenancy after entry of a judgment by tendering the amount stated within the judgment. Under current law, a tenant may satisfy a judgment at any time up until five court days have passed after entry of the judgment.

Any tenant that seeks to restore their tenancy with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity must provide a copy of the pledge from the appropriate governmental or nonprofit entity. In doing so, the tenant is entitled to exercise certain reinstatement rights, including a stay of the judgment and a provision by the landlord of the necessary documentation for processing the assistance.

Landlords must accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any 14-day notice to pay or vacate for nonpayment of rent for any amount owing under the rental agreement. Landlords must suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. Once a judgment has been satisfied, a landlord must file a satisfaction of judgment with the court.

Following the entry of a judgment against a tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court may stay the writ of restitution upon good cause and on terms the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following:

- tenants willful or intentional default or intentional failure to pay rent;
- whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and are not likely to recur;
- the tenant's ability to timely pay the judgment;
- the tenant's payment history;
- whether the tenant is otherwise in substantial compliance with the rental agreement
- hardship on the tenant if evicted; and
- conduct related to other notices served within the last six months.

Under current law, a tenant who has been served with three or more notices to pay or vacate for failure to pay rent within 12 months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief in this way.

If a tenant seeks to stay a writ of restitution, the court may issue an ex parte stay. A court may require that service of an ex parte order staying the writ of restitution be made by personal delivery, mail, facsimile, or other means most likely to afford the tenant notice of the court date.

Summary of Bill: Remote Participation. In any forcible or unlawful detainer proceeding, any party must be permitted to appear and participate in the proceeding remotely, or by telephone if authorized by the judge. Any party must also be permitted to make an emergency application by phone or videoconference and file such documents by email, fax, or other remote means.

Default Judgments. A default judgment may not be entered against a tenant who has been served with an order to show cause prior to the scheduled hearing date and time set forth in the order to show cause.

Forcible or Unlawful Detainer Actions. When a tenant is liable for unlawful detainer after a default in payment of rent, execution upon the judgment may not occur until five court days have passed after the entry of the judgment. The period of time within which a tenant who is liable for unlawful detainer after a default in the payment of rent may satisfy the judgment and be restored to their tenancy is extended from five court days after entry of the judgment to the time the writ of restitution is executed.

The period of time within which a landlord must suspend court action to allow for payment of emergency rental assistance funds is extended from seven to 14 court days.

The exclusion from seeking a stay of the writ of restitution upon good cause for tenants who have been served with three or more notices to pay or vacate for failure to pay rent within 12 months prior to the notice to pay or vacate upon which the proceeding is based is removed.

If a tenant seeks to stay a writ of restitution either under grounds set forth under law or the civil rules, the court may issue a stay and set a hearing on the motion ex parte.

Residential Landlord-Tenant Act, Generally. The uniform 14-day pay or vacate notice is updated by removing language requiring landlords to provide 14-day pay or vacate notices to dispute resolution centers upon expiration of the eviction resolution pilot program.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.