

SENATE BILL REPORT

SB 5840

As of January 9, 2024

Title: An act relating to the acknowledgment of leases.

Brief Description: Concerning leases.

Sponsors: Senators Padden and Pedersen.

Brief History:

Committee Activity: Law & Justice: 1/11/24.

Brief Summary of Bill

- Provides that leases do not require acknowledgement, witnesses, or seals.
- Provides that leases or memorandums of leases require acknowledgement of a lessee's and lessor's signatures to be recorded.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ryan Giannini (786-7285)

Background: Statute of Frauds. Washington's statute of frauds declares certain contracts judicially unenforceable if such contracts are not in writing. The statute of frauds applies to every contract for a conveyance of real estate or every contract that creates an encumbrance upon real estate.

The statute of frauds generally applies to year-to-year tenancies and requires such leases be in writing. Tenancies with a duration of more than one year must also be acknowledged.

Acknowledgement. Deeds, mortgages, and other instruments in writing required to be acknowledged must be acknowledged before authorized persons, such as notaries. An

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.

authorized person, by certificate of acknowledgment, certifies the person is known to the authorized person as the one who signed the instrument in the presence of the authorized person on the date stated, and the person signed freely and voluntarily. An authorized person certifies the acknowledgment by signature and official seal.

Recording. A lease for more than two years may be recorded in the county's recorder's office.

A memorandum of lease is a recordable instrument used to put third parties on notice of a lease interest encumbering real property. The memorandum of lease outlines the specific terms of a lease agreement.

Summary of Bill: Leases do not require acknowledgement, witnesses, or seals. To be recorded, leases or memorandums of a lease must have the lessee's and lessor's signatures acknowledged.

Appropriation: None.

Fiscal Note: Requested on January 5, 2024.

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

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