

FINAL BILL REPORT

SSB 5840

C 27 L 24
Synopsis as Enacted

Brief Description: Concerning leases.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Padden, Pedersen and Kuderer).

Senate Committee on Law & Justice
House Committee on Housing

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 for more than one year must also be acknowledged. Residential tenancies are generally governed by a separate statute of frauds under the Residential-Landlord Tenant Act.

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

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.

Summary: Leases do not require acknowledgment, witnesses, or seals. Lease requirements under the Residential-Landlord Tenant Act remain unchanged and unaffected. To be recorded, leases or memorandums of a lease must have the lessee's and lessor's signatures acknowledged.

Votes on Final Passage:

Senate 49 0

House 95 0

Effective: June 6, 2024