
HOUSE BILL 2323

State of Washington

68th Legislature

2024 Regular Session

By Representatives Peterson, Reed, Ramel, Morgan, Bateman, Davis, Simmons, Pollet, and Macri

Read first time 01/11/24. Referred to Committee on Housing.

1 AN ACT Relating to requiring landlords to report on-time rent
2 payments to consumer reporting agencies; adding a new section to
3 chapter 59.18 RCW; and adding a new section to chapter 59.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18
6 RCW to read as follows:

7 (1) Beginning January 1, 2025, upon the request of a current or
8 prospective tenant, a landlord shall submit documentation of the
9 requesting tenant's on-time rental payments under the current or
10 forthcoming rental agreement or lease to at least one of the
11 following:

12 (a) A nationwide consumer reporting agency; or

13 (b) Any other consumer reporting agency so long as the consumer
14 reporting agency resells or otherwise furnishes rental payment
15 information to a nationwide consumer reporting agency.

16 (2) No duty is created under this section requiring any landlord
17 to report any late or missed rent payments.

18 (3) A landlord shall provide information regarding a tenant's
19 ability to request reporting of the tenant's on-time rent payments
20 under this section as follows:

1 (a) To each new tenant, at the time of or prior to the tenant's
2 entry into a new rental agreement or lease with the landlord;

3 (b) To each existing tenant, at the time of or prior to:

4 (i) The renewal of any currently expiring rental agreement or
5 lease;

6 (ii) Entry into a new rental agreement or lease with the same
7 landlord; or

8 (iii) Entry into a tenancy from month-to-month, but only if such
9 tenancy was explicitly agreed to by the landlord and tenant prior to
10 the termination of the rental agreement or lease immediately
11 preceding the tenancy month-to-month.

12 (4) The information mandated in subsection (3) of this section
13 must be provided to the tenant in writing and include, at a minimum,
14 the following:

15 (a) A statement that the tenant is entitled to have the tenant's
16 on-time rental payment information reported by the landlord as set
17 forth in this section;

18 (b) A statement that the landlord's duty to report applies only
19 to rent payments which are made on time, and that the landlord has no
20 duty to report late or missed payments;

21 (c) A statement that the tenant's decision to have the tenant's
22 rental payment information reported pursuant to this section is
23 voluntary, and that the tenant may request that the landlord cease
24 reporting this information at any time, for any reason, by providing
25 written notice to the landlord that the tenant no longer wishes to
26 have the tenant's rental payment information reported;

27 (d) A statement that the reporting will commence within 30 days
28 after the first on-time rent payment made following the tenant's
29 request to have the tenant's rental payment information reported
30 under this section, and will continue until the tenant provides
31 written notice to the landlord that the tenant no longer wishes to
32 have the tenant's information reported, or the lease is terminated,
33 whichever happens sooner; and

34 (e) A section affirmatively asking if the tenant wishes to begin
35 having the tenant's rental payment information reported pursuant to
36 this section beginning at the start of the rental agreement or lease
37 in connection with which the information was provided. This section
38 must include a clearly marked space for the tenant or prospective
39 tenant to:

1 (i) Indicate whether or not the tenant wishes to have the
2 tenant's rental payment information reported; and

3 (ii) Provide the tenant's signature and the date of signing.

4 (5) At any time during a current rental agreement or lease,
5 including a tenancy month-to-month, any tenant may request that the
6 landlord begin reporting the tenant's rental payment information
7 pursuant to this section. The request must adhere to the following
8 requirements:

9 (a) The request must be made in writing;

10 (b) The request must state that the tenant is requesting that the
11 landlord begin reporting the tenant's rental payment information
12 pursuant to this section;

13 (c) The request must be signed and dated by the tenant; and

14 (d) The request must be delivered in person or by certified mail
15 to any one of the following:

16 (i) The landlord;

17 (ii) The landlord's authorized agent;

18 (iii) A property manager involved in the management of the
19 property where the dwelling referenced in the rental agreement or
20 lease is located;

21 (iv) Any building that is:

22 (A) Regularly used for managing or otherwise administrating the
23 business affairs of the property where the dwelling referenced in the
24 rental agreement or lease is located; and

25 (B) Located on the same property as the dwelling referenced in
26 the rental agreement or lease;

27 (v) Any address that accepts delivery of rental payments under
28 the rental agreement or lease.

29 (6) If a tenant fails to pay the rent on time, on the first day
30 that the payment may be deemed late under the rental agreement or
31 lease, the tenant is deemed to have provided the landlord with notice
32 under subsection (4)(c) of this section that the tenant no longer
33 wishes to have the tenant's rental payment information reported, and
34 the landlord's duty to report such information under this section is
35 immediately terminated.

36 (7) When any tenant provides notice as set forth in subsection
37 (6) of this section that the tenant no longer wishes to have the
38 tenant's rental payment information reported, the following shall
39 apply:

1 (a) The tenant is not eligible to have the tenant's rental
2 payment information under the current rental agreement or lease
3 reported pursuant to this section for the first six months following
4 that notice, inclusive of the month in which the notice was given;

5 (b) After the six-month period of ineligibility has elapsed, if
6 the tenant wishes to resume having the tenant's rental payment
7 information reported pursuant to this section, the tenant must submit
8 a request as set forth in subsection (5) of this section; and

9 (c) A landlord's duty to provide written information to tenants
10 pursuant to subsections (3) and (4) of this section is not rescinded
11 or altered by any period of ineligibility provided under this
12 subsection.

13 (8) Once a tenant requests that the tenant's on-time rental
14 payment information be reported, a landlord shall submit
15 documentation of a tenant's on-time rent payment in conformity with
16 subsection (1) of this section no later than 30 days after each on-
17 time payment is made.

18 (9) The duty to report on-time rent payments created under this
19 section applies only to payments made under a current rental
20 agreement or lease, or tenancy month-to-month.

21 (10) A landlord's duty to report on-time rental payments under
22 this section terminates at the end of a current rental agreement or
23 lease, or when a rental agreement or lease reverts by default to a
24 tenancy month-to-month without explicit oral or written agreement of
25 the landlord and tenant prior to the expiration of the rental
26 agreement or lease immediately preceding the tenancy month-to-month.

27 (11) Once a rental agreement or lease reverts by default to a
28 tenancy month-to-month, if a tenant wishes that the rental payment
29 information be reported pursuant to this section, the tenant must
30 submit a request as set forth in subsection (5) of this section.

31 (12) Once a tenant engaged in a tenancy month-to-month submits a
32 request under subsection (5) of this section, the landlord shall
33 continue reporting the tenant's rental payment information in
34 conformity with this section until the landlord receives notice from
35 the tenant of the tenant's intent to end such tenancy pursuant to RCW
36 59.18.200(1)(a).

37 (13) Once a tenant requests that the tenant's on-time rental
38 payment information be reported pursuant to this section, a landlord
39 must keep records sufficient to demonstrate, upon request, that the

1 landlord has fulfilled the duties created under this section. These
2 records may be kept in paper or digital format.

3 (14) Upon request, a landlord shall provide a tenant with written
4 proof that the landlord has reported that tenant's rental payment
5 information in compliance with the duties created under this section.

6 (15) For the purposes of this section:

7 (a) "Consumer reporting agency" has the same meaning as in RCW
8 19.182.010.

9 (b) "National consumer reporting agency" means a consumer
10 reporting agency that regularly engages in the practice of assembling
11 or evaluating, and maintaining, for the purpose of furnishing
12 consumer reports to third parties bearing on a consumer's credit
13 worthiness, credit standing, or credit capacity, each of the
14 following regarding consumers residing nationwide:

15 (i) Public record information; and

16 (ii) Credit account information from persons who furnish that
17 information regularly and in the ordinary course of business.

18 (c) "On-time rental payment" means any payment that:

19 (i) Constitutes the amount agreed upon for rent in the rental
20 agreement or lease; and

21 (ii) Is made no later than five days after the due date in the
22 month for which the payment is due.

23 (d) "Rental payment information" means documentation sufficient
24 to demonstrate to a credit reporting agency that the tenant has made
25 the rent payment on time.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.20
27 RCW to read as follows:

28 (1) Beginning January 1, 2025, upon the request of a current or
29 prospective tenant, a landlord shall submit documentation of the
30 requesting tenant's on-time rental payments under the current or
31 forthcoming written rental agreement to at least one of the
32 following:

33 (a) A nationwide consumer reporting agency; or

34 (b) Any other consumer reporting agency so long as the consumer
35 reporting agency resells or otherwise furnishes rental payment
36 information to a nationwide consumer reporting agency.

37 (2) No duty is created under this section requiring any landlord
38 to report any late or missed rent payments.

1 (3) A landlord shall provide information regarding a tenant's
2 ability to request reporting of the tenant's on-time rent payments
3 under this section as follows:

4 (a) To each new tenant, at the time of or prior to the tenant's
5 entry into a new written rental agreement with the landlord;

6 (b) To each existing tenant, at the time of or prior to:

7 (i) The renewal of any currently expiring written rental
8 agreement except where such renewal occurs automatically pursuant to
9 RCW 59.20.090(1); or

10 (ii) Entry into a new written rental agreement with the same
11 landlord.

12 (4) The information mandated in subsection (3) of this section
13 must be provided to the tenant in writing and include, at a minimum,
14 the following:

15 (a) A statement that the tenant is entitled to have the tenant's
16 on-time rental payment information reported by the landlord as set
17 forth in this section;

18 (b) A statement that the landlord's duty to report applies only
19 to rent payments which are made on time, and that the landlord has no
20 duty to report late or missed payments;

21 (c) A statement that the tenant's decision to have the tenant's
22 rental payment information reported pursuant to this section is
23 voluntary, and that the tenant may request that the landlord cease
24 reporting this information at any time, for any reason, by providing
25 written notice to the landlord that the tenant no longer wishes to
26 have their rental payment information reported;

27 (d) A statement that the reporting will commence within 30 days
28 after the first on-time rent payment made following the tenant's
29 request to have the tenant's rental payment information reported
30 under this section, and will continue until the tenant provides
31 written notice to the landlord that the tenant no longer wishes to
32 have the tenant's information reported, or the lease is terminated,
33 whichever happens sooner; and

34 (e) A section affirmatively asking if the tenant wishes to begin
35 having the tenant's rental payment information reported pursuant to
36 this section beginning at the start of the written rental agreement
37 in connection with which the information was provided. This section
38 must include a clearly marked space for the tenant or prospective
39 tenant to:

1 (i) Indicate whether or not the tenant wishes to have their
2 rental payment information reported; and

3 (ii) Provide the tenant's signature and the date of signing.

4 (5) At any time during a current written rental agreement, any
5 tenant may request that the landlord begin reporting the tenant's
6 rental payment information pursuant to this section. The request must
7 adhere to the following requirements:

8 (a) The request must be made in writing;

9 (b) The request must state that the tenant is requesting that the
10 landlord begin reporting the tenant's rental payment information
11 pursuant to this section;

12 (c) The request must be signed and dated by the tenant; and

13 (d) The request must be delivered in person or by certified mail
14 to any one of the following:

15 (i) The landlord;

16 (ii) The landlord's authorized agent;

17 (iii) A property manager involved in the management of the
18 property where the dwelling referenced in the written rental
19 agreement is located;

20 (iv) Any building that is:

21 (A) Regularly used for managing or otherwise administrating the
22 business affairs of the property where the dwelling referenced in the
23 written rental agreement is located; and

24 (B) Located on the same property as the dwelling referenced in
25 the written rental agreement;

26 (v) Any address that accepts delivery of rental payments under
27 the written rental agreement.

28 (6) If a tenant fails to pay the rent on time, on the first day
29 that the payment may be deemed late under the written rental
30 agreement, the tenant is deemed to have provided the landlord with
31 notice under subsection (4)(c) of this section that the tenant no
32 longer wishes to have the tenant's rental payment information
33 reported, and the landlord's duty to report such information under
34 this section is immediately terminated.

35 (7) When any tenant provides notice as set forth in subsection
36 (6) of this section that the tenant no longer wishes to have the
37 tenant's rental payment information reported, the following shall
38 apply:

39 (a) The tenant is not eligible to have the tenant's rental
40 payment information under the current written rental agreement

1 reported pursuant to this section for the first six months following
2 that notice, inclusive of the month in which the notice was given;

3 (b) After the six-month period of ineligibility has elapsed, if
4 the tenant wishes to resume having the tenant's rental payment
5 information reported pursuant to this section, the tenant must submit
6 a request as set forth in subsection (5) of this section; and

7 (c) A landlord's duty to provide written information to tenants
8 pursuant to subsections (3) and (4) of this section is not rescinded
9 or altered by any period of ineligibility provided under this
10 subsection.

11 (8) Once a tenant requests that the tenant's on-time rental
12 payment information be reported, a landlord shall submit
13 documentation of a tenant's on-time rent payment in conformity with
14 subsection (1) of this section no later than 30 days after each
15 on-time payment is made.

16 (9) The duty to report on-time rent payments created under this
17 section applies only to payments made under a current written rental
18 agreement, including a written rental agreement that has
19 automatically renewed pursuant to RCW 59.20.090(1).

20 (10) A landlord's duty to report on-time rental payments under
21 this section terminates upon any of the following:

22 (a) At the end of a current written rental agreement where the
23 written rental agreement will not be automatically renewed pursuant
24 to RCW 59.20.090(1);

25 (b) When the landlord receives notice pursuant to RCW
26 59.20.090(3) of the tenant's intention not to renew the written
27 rental agreement; or

28 (c) When a tenant provides written notice that the tenant no
29 longer wishes to have the tenant's rental payment information
30 reported pursuant to this section.

31 (11) Once a tenant requests that the tenant's on-time rental
32 payment information be reported pursuant to this section, a landlord
33 must keep records sufficient to demonstrate, upon request, that the
34 landlord has fulfilled the duties created under this section. These
35 records may be kept in paper or digital format.

36 (12) Upon request, a landlord shall provide a tenant with written
37 proof that the landlord has reported the tenant's rental payment
38 information in compliance with the duties created under this section.

39 (13) For the purposes of this section:

1 (a) "Consumer reporting agency" has the same meaning as in RCW
2 19.182.010.

3 (b) "National consumer reporting agency" means a consumer
4 reporting agency that regularly engages in the practice of assembling
5 or evaluating, and maintaining, for the purpose of furnishing
6 consumer reports to third parties bearing on a consumer's credit
7 worthiness, credit standing, or credit capacity, each of the
8 following regarding consumers residing nationwide:

9 (i) Public record information; and

10 (ii) Credit account information from persons who furnish that
11 information regularly and in the ordinary course of business.

12 (c) "On-time rental payment" means any payment that:

13 (i) Constitutes the amount agreed upon for rent in the written
14 rental agreement; and

15 (ii) Is made no later than five days after the due date in the
16 month for which the payment is due.

17 (d) "Rental payment information" means documentation sufficient
18 to demonstrate to a credit reporting agency that the tenant has made
19 the rent payment on time.

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