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**SUBSTITUTE HOUSE BILL 2389**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Housing (originally sponsored by Representatives Abbarno and Barkis)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to service of notice by mail in cases involving  
2 forcible entry and forcible and unlawful detainer; and amending RCW  
3 59.12.040.

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

5 **Sec. 1.** RCW 59.12.040 and 2021 c 115 s 14 are each amended to  
6 read as follows:

7 Any notice provided for in this chapter shall be served either  
8 (1) by delivering a copy personally to the person entitled thereto;  
9 or (2) if he or she be absent from the premises unlawfully held, by  
10 leaving there a copy, with some person of suitable age and  
11 discretion, and sending a copy (~~((through the mail addressed to))~~) by  
12 certified mail, posted from within Washington state, to the last  
13 known address of the person entitled thereto (~~((at his or her place of~~  
14 ~~residence))~~); or (3) if the person to be notified be a tenant, or an  
15 unlawful holder of premises, and his or her place of residence is not  
16 known, or if a person of suitable age and discretion there cannot be  
17 found then by affixing a copy of the notice in a conspicuous place on  
18 the premises unlawfully held, and also delivering a copy to a person  
19 there residing, if such a person can be found, and also sending a  
20 copy through the mail addressed to the tenant, or unlawful occupant,  
21 at the place where the premises unlawfully held are situated. Service

1 upon a subtenant may be made in the same manner: PROVIDED, That in  
2 cases where the tenant or unlawful occupant, shall be conducting a  
3 hotel, inn, lodging house, boarding house, or shall be renting rooms  
4 while still retaining control of the premises as a whole, that the  
5 guests, lodgers, boarders, or persons renting such rooms shall not be  
6 considered as subtenants within the meaning of this chapter, but all  
7 such persons may be served by affixing a copy of the notice to be  
8 served in two conspicuous places upon the premises unlawfully held;  
9 and such persons shall not be necessary parties defendant in an  
10 action to recover possession of said premises. Service of any notice  
11 provided for in this chapter may be had upon a corporation by  
12 delivering a copy thereof to any officer, agent, or person having  
13 charge of the business of such corporation, at the premises  
14 unlawfully held, and in case no such officer, agent, or person can be  
15 found upon such premises, then service may be had by affixing a copy  
16 of such notice in a conspicuous place upon said premises and by  
17 sending a copy through the mail addressed to such corporation at the  
18 place where said premises are situated. Proof of any service under  
19 this section may be made by the affidavit of the person making the  
20 same in like manner and with like effect as the proof of service of  
21 summons in civil actions. When a copy of notice is sent through the  
22 mail, as provided in this section, service shall be deemed complete  
23 when such copy is deposited in the United States mail (~~in the county~~  
24 ~~in which the property is situated properly addressed with~~) postage  
25 prepaid, by certified mail, posted from within Washington state,  
26 directed to the last known address of the person entitled thereto:  
27 PROVIDED, HOWEVER, That when service is made by mail (~~one additional~~  
28 ~~day~~) five additional days shall be allowed before the commencement  
29 of an action based upon such notice. A termination notice served  
30 pursuant to this section shall specify in the notice the date by  
31 which the person to whom the notice is sent must vacate or, if  
32 applicable, comply.

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