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HOUSE BILL 1336

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke.

Read first time January 25, 1991. Referred to Committee on Housing.

1            AN ACT Relating to prospective residential tenants; amending RCW  
2 59.18.240; adding a new section to chapter 59.18 RCW; creating a new  
3 section; providing an effective date; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.**            The legislature finds that tenant  
6 application fees often have the effect of excluding low-income people  
7 from applying for housing because many low-income people cannot afford  
8 these fees in addition to the rent and other deposits which may be  
9 required. The legislature further finds that application fees are  
10 frequently not returned to unsuccessful applicants for housing, which  
11 creates a hardship on low-income people. The legislature therefore  
12 finds and declares that it is the policy of the state that certain  
13 tenant application fees should be prohibited and guidelines should be  
14 established for the imposition of other tenant application fees.

1       The legislature also finds that it is important to both landlords  
2 and tenants that consumer information concerning prospective tenants is  
3 accurate. Many tenants are unaware of their rights under federal fair  
4 credit reporting laws to dispute information that may be inaccurate.  
5 The legislature therefore finds and declares that it is the policy of  
6 the state for prospective tenants to be informed of their rights to  
7 dispute information they feel is inaccurate in order to help prevent  
8 denials of housing based upon incorrect information.

9       NEW SECTION.   **Sec. 2.** A new section is added to chapter 59.18 RCW  
10 to read as follows:

11       (1) It shall be unlawful for a landlord to require a fee from a  
12 prospective tenant for the privilege of being placed on a list to be  
13 considered as a tenant for a dwelling unit.

14       (2)(a) If a landlord uses a tenant screening service, then the  
15 landlord may charge for the costs incurred for using a tenant screening  
16 service under this section. If a landlord conducts his or her own  
17 screening of tenants, then the landlord may charge his or her actual  
18 costs in obtaining the background information, but the amount may not  
19 exceed the costs charged by an outside screening service. The  
20 landlord's actual costs include costs incurred for long distance phone  
21 calls and for time spent calling landlords, employers, and financial  
22 institutions. A landlord may not charge a prospective tenant a fee for  
23 obtaining background information under this section unless the landlord  
24 first notifies the prospective tenant of what a tenant screening  
25 entails, and his or her rights to dispute the accuracy of information  
26 provided by the tenant screening service or provided by the entities  
27 listed on the tenant application who will be contacted for information  
28 concerning the tenant. The landlord must give the prospective tenant

1 the name and address of the tenant screening service used by the  
2 landlord.

3 (b) Nothing in this section shall require a landlord to disclose  
4 information to a prospective tenant that was obtained from a tenant  
5 screening service or from entities listed on the tenant application  
6 which is not required under the federal fair credit reporting act 15  
7 U.S.C. Sec. 1681 et seq. For purposes of this section, a "tenant  
8 screening service" means a "consumer reporting agency" as defined in  
9 RCW 59.18.240.

10 (3) A landlord who charges a prospective tenant a fee or deposit to  
11 secure that the prospective tenant will move into a dwelling unit,  
12 after the dwelling unit has been offered to the prospective tenant,  
13 must provide the prospective tenant with a receipt for the fee or  
14 deposit, together with a statement of the conditions, if any, under  
15 which the fee or deposit is refundable. If the prospective tenant does  
16 occupy the dwelling unit, then the landlord must credit the amount of  
17 the fee or deposit to the tenant's first month's rent or to the  
18 tenant's security deposit.

19 (4) Any landlord who violates this section may be liable to the  
20 applicant for an amount not to exceed one hundred dollars. The  
21 prevailing party may also recover court costs and a reasonable  
22 attorneys' fee.

23 **Sec. 3.** RCW 59.18.240 and 1983 c 264 s 9 are each amended to read  
24 as follows:

25 So long as the tenant is in compliance with this chapter, the  
26 landlord shall not take or threaten to take reprisals or retaliatory  
27 action against the tenant because of any good faith and lawful:

28 (1) Complaints or reports by the tenant to a governmental authority  
29 concerning the failure of the landlord to substantially comply with any

1 code, statute, ordinance, or regulation governing the maintenance or  
2 operation of the premises, if such condition may endanger or impair the  
3 health or safety of the tenant; or

4 (2) Assertions or enforcement by the tenant of his or her rights  
5 and remedies under this chapter.

6 "Reprisal or retaliatory action" shall mean and include but not be  
7 limited to any of the following actions by the landlord when such  
8 actions are intended primarily to retaliate against a tenant because of  
9 the tenant's good faith and lawful act:

10 (a) Eviction of the tenant;

11 (b) Increasing the rent required of the tenant;

12 (c) Reduction of services to the tenant; (~~and~~)

13 (d) Increasing the obligations of the tenant; or

14 (e) Reporting a tenant to a consumer reporting agency. For  
15 purposes of this section, a "consumer reporting agency" means any  
16 person who, for monetary fees, dues, or on a cooperative nonprofit  
17 basis, regularly engages in whole or in part in the practice of  
18 assembling or evaluating consumer credit information or other  
19 information on consumers for the purpose of furnishing consumer reports  
20 to third parties.

21 NEW SECTION. Sec. 4. This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and shall take  
24 effect June 1, 1991.