

HOUSE BILL REPORT

SSB 5479

As Passed House:

April 5, 2005

Title: An act relating to the unlawful detainer process under the residential landlord-tenant act.

Brief Description: Changing provisions relating to the unlawful detainer process under the residential landlord-tenant act.

Sponsors: By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Berkey, Benton, Prentice, Esser and McAuliffe).

Brief History:

Committee Activity:

Judiciary: 3/30/05 [DP].

Floor Activity:

Passed House: 4/5/05, 95-0.

Brief Summary of Substitute Bill

- Changes the time period in which a defendant must respond to a summons of an unlawful detainer action and appear at a show cause hearing.
- Allows the defendant's response to be by regular mail or fax.
- Specifies what information must be included in an unlawful detainer summons.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

The Residential Landlord-Tenant Act (RLTA) governs the relationship between landlords and tenants of residential dwelling units, establishes the duties and liabilities of the parties, and provides procedures for each side to enforce its rights.

The landlord may terminate a tenancy if there has been a substantial noncompliance with the tenant's duties, such as nonpayment of rent. The landlord must give the tenant written notice

before termination and, depending upon the circumstances, allow the tenant time to come into compliance. If the tenant does not comply and continues to be in possession of the property, the landlord may bring an unlawful detainer action.

An unlawful detainer action is a court process to evict a tenant who remains on the rental premises beyond the time he or she is required to leave. The landlord must serve the tenant with a summons and complaint, which must designate a specific date by which the tenant must respond. The response date must be not less than six days nor more than 12 days from the date of service. The tenant's response generally must be in writing and delivered to the landlord.

The landlord may also request a show cause hearing directing the tenant to appear in court and show why an order directing the sheriff to evict the tenant should not be issued. The order to show cause must be served on the tenant not less than six nor more than 12 days before the hearing date.

The RLTA does not specify whether "days" refers to calendar days or court days, but refers to court rules of civil procedure. Under the court rules, when a period of time prescribed by a statute or court rule is less than seven days, Saturdays, Sundays, and legal holidays are not counted in the computation.

Summary of Bill:

The time period for responding to a summons of unlawful detainer and service of the order to show cause is changed. The response date on the summons must be not less than seven nor more than 30 days from the date of service. The order to show cause must be served on the tenant not less than seven nor more than 30 days before the show cause hearing date. Therefore, under the court rules, weekends and legal holidays will be included when computing the time period.

The defendant may serve the response by either delivering a copy of the response to the person who signed the summons at the street address listed, mailing a copy to the person at the listed street address, faxing a copy (in which case, service is complete upon successful transmission of the fax), or any other manner authorized by court rules.

The summons in an unlawful detainer action must contain the names of the parties and their attorneys, if applicable, the court where the action is brought, the nature of the action, the relief sought, the specific return date, the street address where the response is to be served, and, if available, the plaintiff's fax number.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: A recent court decision held that an unlawful detainer summons cannot be served within six days because court rules require adding weekends and holidays. Changing the time frame to seven days conforms the statute to the court decision and will decrease the confusion on how to calculate the days. The bill also expands the outer end of the time period to 30 days, giving the tenant more time to respond. Court rules do not currently allow response by fax, and this bill would make it easier for tenants to respond. This is a fair compromise between landlords and tenants.

Testimony Against: None.

Persons Testifying: Joe Puckett, Washington Multi-Family Housing Association; and Bruce Neas, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: None.