
SENATE BILL 6060

State of Washington

60th Legislature

2007 Regular Session

By Senator Kline

Read first time 02/16/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to unlawful detainer action proceedings and notice
2 for nonpayment of rent; amending RCW 59.18.375; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 create a clear, efficient, and fair process for both tenants and
7 landlords in the determination of unlawful detainer actions. Landlord-
8 tenant laws and proceedings are often complex and confusing. Tenants
9 and landlords are insufficiently educated about the law and are often
10 unrepresented by counsel in legal proceedings that determine possession
11 of a home. The legislature has created a special process for those
12 proceedings where nonpayment of rent is alleged. Because of the short
13 timelines in those proceedings and the important property rights at
14 stake, the legislature intends that this process be clarified in terms
15 of the notice provided to tenants by landlords who utilize this special
16 proceeding in evicting a tenant for nonpayment of rent.

17 **Sec. 2.** RCW 59.18.375 and 2006 c 51 s 2 are each amended to read
18 as follows:

1 (1) The remedies provided by this section are in addition to other
2 remedies provided by this chapter.

3 (2) In an action of forcible entry, detainer, or unlawful detainer,
4 commenced under this chapter which is based upon nonpayment of rent as
5 provided in RCW 59.12.030(3), the defendant shall pay into the court
6 registry the amount alleged due in the complaint and continue to pay
7 into the court registry the monthly rent as it becomes due under the
8 terms of the rental agreement while the action is pending. If before
9 or at the time and place fixed for the hearing of the plaintiff's
10 motion for a writ of restitution the defendant submits to the court a
11 written statement signed and sworn under penalty of perjury or, at the
12 hearing, makes an oral statement to the court under oath denying that
13 the rent alleged due in the complaint is owing based upon a legal or
14 equitable defense or set-off arising out of the tenancy, such payment
15 shall not be required.

16 (3) A defendant must comply with subsection (2) of this section
17 (~~within seven days after completed service of a filed summons and~~
18 ~~complaint or, in the case of service of an unfiled summons and~~
19 ~~complaint, seven days after delivering written notice to the defendant,~~
20 ~~in the manner provided in RCW 59.12.040, advising the defendant of the~~
21 ~~date of filing, the cause number for the action, and the date by which~~
22 ~~the defendant must comply with this section to avoid the immediate~~
23 ~~issuance of a writ of restitution)) before or at the show cause
24 hearing. The defendant must be provided with separate written notice
25 of the requirements under subsection (2) of this section in the form
26 set forth in subsection (4) of this section. This notice must be
27 served with and in the same manner as the order to show cause under RCW
28 59.18.370. Failure of the defendant to comply with this section shall
29 be grounds for the immediate issuance of a writ of restitution without
30 bond directing the sheriff to deliver possession of the premises to the
31 plaintiff. The court shall not issue a writ of restitution under this
32 section if the plaintiff fails to comply with the notice requirements
33 in this section. Issuance of a writ of restitution under this section
34 shall not affect the defendant's right to a hearing (~~to contest the~~
35 ~~amount of rent alleged to be due.~~~~

36 ~~(4) The defendant shall send written notice that the rent has been~~
37 ~~paid into the court registry or send a copy of the sworn statement~~
38 ~~referred to in subsection (2) of this section to the person whose name~~

1 ~~is signed on the unlawful detainer summons. A defendant may serve the~~
2 ~~written notice or a copy of the sworn statement by any of the methods~~
3 ~~described in RCW 59.18.365.~~

4 ~~(5) Before applying to the court for a writ of restitution under~~
5 ~~this section, the plaintiff must check with the clerk of the court to~~
6 ~~determine if the defendant has complied with subsection (2) of this~~
7 ~~section)) on the merits. If rent is not found to be due and owing or~~
8 ~~the case is dismissed on other grounds, then the writ of restitution~~
9 ~~must be quashed. If a finding is made that rent is owed and all~~
10 ~~amounts due are paid into the court registry within five days of the~~
11 ~~finding, then the tenant may reinstate his or her tenancy if he or she~~
12 ~~meets the requirements of RCW 59.18.410.~~

13 ~~((6)) (4) If the plaintiff intends to use the procedures in this~~
14 ~~section, the ((summons must contain)) notice to the defendant ((of))~~
15 ~~must include the payment requirements of this section and be~~
16 ~~substantially in the following form:~~

17 NOTICE

18 ~~((This unlawful detainer action is based upon nonpayment of rent in an~~
19 ~~amount alleged to be \$. The plaintiff is entitled to an~~
20 ~~order from the court directing the sheriff to evict you without a~~
21 ~~hearing unless you pay into the court registry the amount of delinquent~~
22 ~~rent alleged to be due in the complaint and continue paying into the~~
23 ~~court registry the monthly rent as it becomes due while this lawsuit is~~
24 ~~pending. If you deny that you owe the rent claimed to be due and you~~
25 ~~do not want to be evicted immediately without a hearing, you must file~~
26 ~~with the clerk of the court a written statement signed and sworn under~~
27 ~~penalty of perjury setting forth why you do not owe the amount claimed~~
28 ~~in the complaint to be due. The sworn statement must be filed IN~~
29 ~~ADDITION TO your written answer to the complaint.~~

30 ~~Payment or the sworn statement must be submitted to the clerk of~~
31 ~~the superior court within seven days after you have been served with~~
32 ~~this summons or, if the summons has not yet been filed, within seven~~
33 ~~days after service of written notice that the lawsuit has been filed.~~

34 ~~You must also deliver written notice that the rent has been paid~~
35 ~~into the court registry or send a copy of your sworn statement to the~~
36 ~~person whose signature appears below by personal delivery, mail, or~~
37 ~~facsimile.~~

38 ~~This complaint:~~

1 ~~() is filed with the superior court;~~
2 ~~() is not filed. The plaintiff must notify you in writing when it is~~
3 ~~filed.~~

4 IMPORTANT

5 ~~If you intend to contest this action, you must also file a written~~
6 ~~answer as indicated above on this summons.)~~

7 IN THE SUPERIOR COURT OF THE STATE
8 OF WASHINGTON IN AND FOR
9 COUNTY

10)
11 Plaintiff,) NO.
12)
13 vs.) RCW 59.18.375 NOTICE
14) ABOUT YOUR RENT
15 Defendant,)
16)

17 IMPORTANT NOTICE ABOUT YOUR RENT.
18 PLEASE READ IT CAREFULLY.

19 THIS IS AN EVICTION LAWSUIT FOR NONPAYMENT OF RENT. IF YOU WANT TO
20 AVOID LOSING YOUR HOME YOU MUST TAKE THE FOLLOWING ACTION BY THE DATE
21 AND TIME OF YOUR SHOW CAUSE HEARING SET FORTH BELOW:

22 ON OR BEFORE . . .Date. . . AT . . .Time. . . YOU MUST EITHER:

23 1. Pay into the court registry the amount of rent stated in the
24 complaint in the sum of \$. . .Amount. . . and continue to pay into the
25 court registry the monthly rent as it becomes due under the terms of
26 the rental agreement while the eviction lawsuit is pending. Payment
27 must be in the form of cash, cashier's check, or money order. Personal
28 checks are not accepted. The address of the court registry is:

29Address.i

30 OR

31 2. If you think that you do not owe the amount your landlord is
32 requesting, then you must file with the superior court clerk a written
33 statement signed and sworn under penalty of perjury stating that you do

1 not owe the amount of rent stated in the complaint because you have a
2 legal or equitable defense. The address of the court clerk is:
3Address.i

4 OR

5 3. At the time and place of the show cause hearing, orally deny
6 under oath that the rent alleged due in the complaint is owing based
7 upon a legal or equitable defense or set-off arising out of the
8 tenancy.

9 IF YOU DO NOT COMPLY WITH THE REQUIREMENTS OF THIS NOTICE, THEN THE
10 COURT MAY IMMEDIATELY ISSUE A WRIT OF RESTITUTION DIRECTING THE SHERIFF
11 TO EVICT YOU FROM YOUR HOME AND DELIVER POSSESSION OF THE PREMISES TO
12 THE PLAINTIFF.

--- END ---