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HOUSE BILL 2484

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Roberts, Nelson, Darneille, Pedersen, Green, Miloscia, Hunt, Ormsby, and Flannigan

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1 AN ACT Relating to the termination of month to month or other  
2 periodic tenancies governed by the residential landlord-tenant act; and  
3 amending RCW 59.18.200.

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

5 **Sec. 1.** RCW 59.18.200 and 2008 c 113 s 4 are each amended to read  
6 as follows:

7 (1)(a) When premises are rented for an indefinite time, with  
8 monthly or other periodic rent reserved, such tenancy shall be  
9 construed to be a tenancy from month to month, or from period to period  
10 on which rent is payable, and (~~shall be terminated by written notice~~  
11 ~~of twenty days or more, preceding the end of any of the months or~~  
12 ~~periods of tenancy, given by either party to the other.~~

13 ~~(b))~~ may not be terminated unless the landlord or tenant gives  
14 written notice of his or her intention to terminate the tenancy under  
15 this section or as allowed under RCW 59.12.030 (3), (4), (5), or (7).

16 (b) A tenant may terminate a rental agreement by written notice of  
17 thirty days or more prior to the proposed termination date or as  
18 otherwise permitted by law or the terms and conditions of the tenant's  
19 rental agreement.

1       (c) Any tenant who is a member of the armed forces, including the  
2 national guard and armed forces reserves, or that tenant's spouse or  
3 dependant, may terminate a rental agreement with less than (~~twenty~~)  
4 thirty days' notice if the tenant receives reassignment or deployment  
5 orders that do not allow a (~~twenty-day~~) thirty-day notice.

6       (d) Any tenant who has been served with a thirty-day written notice  
7 under RCW 59.18.140 announcing a new rule of tenancy, including a  
8 change in the amount of rent, may terminate a rental agreement by  
9 written notice of twenty days or more, preceding the effective date of  
10 the new rule.

11       (2)(a) A landlord may terminate a rental agreement, when the tenant  
12 has occupied the dwelling unit for less than twelve months, by written  
13 notice of thirty days or more prior to the proposed date of  
14 termination, except as prohibited by law or the terms and conditions of  
15 the tenant's rental agreement.

16       (b) A landlord may terminate a rental agreement, when the tenant  
17 has occupied the dwelling unit for twelve months or more, by written  
18 notice of sixty days or more prior to the proposed date of termination,  
19 except as prohibited by law or the terms and conditions of the tenant's  
20 rental agreement.

21       (c) A landlord may terminate a rental agreement, when the tenant  
22 has occupied the dwelling unit for twelve months or more, by written  
23 notice of thirty days or more prior to the proposed date of  
24 termination, provided that the landlord has contracted to sell the  
25 dwelling unit to a bona fide purchaser who in good faith intends to  
26 occupy the dwelling unit as the purchaser's primary residence for at  
27 least one full year after the termination of the tenancy.

28       (d) A landlord who is prohibited by federal, state, or local law  
29 from terminating a tenancy, except for serious or repeated violations  
30 of material terms of the rental agreement or other good cause, may  
31 terminate a rental agreement by written notice of thirty days or more  
32 prior to the proposed date of termination or as allowed under RCW  
33 59.12.030 (3), (4), (5), or (7). Nothing in this subsection (2)(d)  
34 permits a landlord to use a written notice of thirty days or more to  
35 terminate a rental agreement, where prohibited by federal, state, or  
36 local law or the terms of the tenant's rental agreement.

37       (e) Whenever a landlord plans to change to a policy of excluding  
38 children, the landlord shall give a written notice to a tenant at least

1 ninety days before termination of the tenancy to effectuate such change  
2 in policy. Such ninety-day notice shall be in lieu of the notice  
3 required by subsection (1)(a) of this section. However, if after  
4 giving the ninety-day notice the change in policy is delayed, the  
5 notice requirements of subsection (1)(a) of this section shall apply  
6 unless waived by the tenant.

7 ~~((b))~~ (f) Whenever a landlord plans to change any apartment or  
8 apartments to a condominium form of ownership, the landlord shall  
9 provide a written notice to a tenant at least one hundred twenty days  
10 before termination of the tenancy, in compliance with RCW 64.34.440(1),  
11 to effectuate such change. The one hundred twenty-day notice is in  
12 lieu of the notice required in subsection (1)(a) of this section.  
13 However, if after providing the one hundred twenty-day notice the  
14 change to a condominium form of ownership is delayed, the notice  
15 requirements in subsection (1)(a) of this section apply unless waived  
16 by the tenant.

17 (3)(a) When either a landlord or tenant terminates a rental  
18 agreement other than at the end of the agreed upon rental period, the  
19 parties shall prorate the rent for the partial rental period, and such  
20 prorated rent is due as provided for in the rental agreement. When the  
21 tenant has prepaid the rent, the tenant is entitled to the pro rata  
22 refund of any prepaid rent.

23 (b) A landlord may not terminate a rental agreement other than at  
24 the end of the agreed upon rental period unless the landlord refunds  
25 any prepaid rent paid in excess of the pro rata rent due within ten  
26 days of service of the notice of termination. All moneys designated as  
27 a damage or security deposit in a rental agreement must be retained or  
28 refunded in accordance with the requirements of RCW 59.18.280.

29 (4) A landlord shall serve any notice required under this section  
30 in the manner required in RCW 59.12.040.

31 (5) A tenant who holds over or continues in possession, in person  
32 or by subtenant, of a dwelling unit or premises after the termination  
33 of his or her tenancy in accordance with this section is guilty of  
34 unlawful detainer, and the landlord has a right to obtain possession of  
35 the real property by summary proceedings as provided in chapter 59.12  
36 RCW and this chapter.

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