
HOUSE BILL 2578

State of Washington 65th Legislature 2018 Regular Session

By Representatives Riccelli, Kirby, Macri, Peterson, Appleton,
McBride, Frame, Doglio, Stanford, and Goodman

1 AN ACT Relating to preserving and expanding rental housing
2 options for persons whose source of income is derived from or
3 includes sources other than employment; amending 2017 3rd sp.s. c 4 s
4 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding
5 new sections to chapter 43.31 RCW; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18
8 RCW to read as follows:

9 (1) A landlord may not, based on the source of income of an
10 otherwise eligible prospective tenant or current tenant:

11 (a) Refuse to lease or rent any real property to a prospective
12 tenant or current tenant, unless the prospective tenant's or current
13 tenant's source of income is conditioned on the real property passing
14 inspection, and the written estimate of the cost of improvements
15 necessary to pass inspection is six times the monthly rent of the
16 real property;

17 (b) Expel a prospective tenant or current tenant from any real
18 property;

19 (c) Make any distinction, discrimination, or restriction against
20 a prospective tenant or current tenant in the price, terms,
21 conditions, fees, or privileges relating to the rental, lease, or

1 occupancy of real property or in the furnishing of any facilities or
2 services in connection with the rental, lease, or occupancy of real
3 property;

4 (d) Attempt to discourage the rental or lease of any real
5 property to a prospective tenant or current tenant;

6 (e) Assist, induce, incite, or coerce another person to commit an
7 act or engage in a practice that violates this section;

8 (f) Coerce, intimidate, threaten, or interfere with any person in
9 the exercise or enjoyment of, or on account of the person having
10 exercised or enjoyed or having aided or encouraged any other person
11 in the exercise or enjoyment of, any right granted or protected under
12 this section;

13 (g) Represent to a person that a dwelling unit is not available
14 for rental when the dwelling unit in fact is available for rental; or

15 (h) Otherwise make unavailable or deny a dwelling unit to a
16 prospective tenant or current tenant that, but for his or her source
17 of income, would be eligible to rent real property.

18 (2) A landlord may not, based on the source of income of an
19 otherwise eligible prospective tenant or current tenant, publish,
20 circulate, issue, or display, or cause to be published, circulated,
21 issued, or displayed, any communication, notice, advertisement, or
22 sign of any kind relating to the rental or lease of real property
23 that indicates any source of income.

24 (3) If a landlord requires that a prospective tenant or current
25 tenant have a certain threshold level of income, any source of income
26 in the form of a rent voucher or subsidy must be subtracted from the
27 total of the monthly rent prior to calculating if the income criteria
28 have been met.

29 (4) A person in violation of this section shall be held liable in
30 a civil action for four times the monthly rent of the real property
31 at issue, as well as court costs and reasonable attorneys' fees.

32 (5) As used in this section, "source of income" includes benefits
33 or subsidy programs including housing assistance, public assistance,
34 emergency rental assistance, veterans benefits, social security,
35 supplemental security income or other retirement programs, and other
36 programs administered by any federal, state, local, or nonprofit
37 entity. "Source of income" does not include income derived in an
38 illegal manner.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31
2 RCW to read as follows:

3 (1) Subject to the availability of funds for this purpose, the
4 landlord mitigation program is created.

5 (2) In order for a claim to be eligible for reimbursement from
6 the landlord mitigation program account, a landlord must:

7 (a) First make repairs and then apply for reimbursement; and

8 (b) Submit copies of the move-in inspection, descriptions and
9 documentation of the damages upon move-out, including before repair
10 and after repair photographs, and copies of repair receipts for labor
11 and materials.

12 (3) Properly submitted and complete claims shall be reviewed by
13 the department within five business days of receipt. In reviewing a
14 claim, and determining eligibility for reimbursement, the department
15 must also confirm that the claim involves a private market rental
16 unit rented to a tenant whose source of income is specified in
17 section 1(5) of this act.

18 (4) Damages from a tenancy must total at least five hundred
19 dollars in order for a claim to be eligible for reimbursement from
20 the program. Damages may exceed five thousand dollars, however
21 reimbursement from the program may not exceed five thousand dollars
22 per tenancy.

23 (5) Damages, beyond wear and tear, that are eligible for
24 reimbursement include, but are not limited to: Interior wall gouges
25 and holes; damage to doors and cabinets, including hardware; carpet
26 stains or burns; cracked tiles; broken windows; damage to household
27 fixtures such as disposal, toilet, sink, sink handle, ceiling fan,
28 and lighting. Other property damage beyond normal wear and tear may
29 also be eligible for reimbursement. Damages may also include unpaid
30 rent.

31 (6) A landlord in receipt of reimbursement from the program is
32 prohibited from:

33 (a) Taking legal action against the tenant for the same damages
34 for which he or she was reimbursed; or

35 (b) Pursuing collection, or authorizing another entity to pursue
36 collection on the landlord's behalf, of a judgment against the tenant
37 for the same damages for which he or she was reimbursed.

38 (7) A report to the appropriate committees of the legislature on
39 the effectiveness of the program and modifications recommended by the
40 department of commerce shall be submitted by January 1, 2021.

