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**HOUSE BILL 2779**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Macri, Pollet, Gregerson, Ormsby, Dolan, Doglio, Morgan, Ramel, Ortiz-Self, Frame, J. Johnson, Chopp, and Lekanoff

Read first time 01/21/20. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to protecting tenants from excessive rent and  
2 related fees; amending RCW 59.18.140; adding a new section to chapter  
3 59.18 RCW; adding a new section to chapter 43.31 RCW; and repealing  
4 RCW 35.21.830 and 36.01.130.

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

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

8 (1)(a) A landlord may not increase the rent paid by a tenant in  
9 an amount greater than three percent above the base rent without  
10 providing written notice between two hundred twenty and one hundred  
11 eighty days before the increase takes effect.

12 (b) The notice must inform the tenant, in clear language, that  
13 because the landlord seeks to increase the rent paid by the tenant in  
14 an amount greater than three percent above the base rent, pursuant to  
15 subsection (3) of this section the tenant may terminate the tenancy  
16 at any point prior to the effective date of the increase and, in that  
17 case, shall only owe pro rata rent through the date upon which the  
18 tenant surrenders the premises.

19 (2) In no case may a landlord increase the rent paid by a tenant  
20 within a twelve-month period in an amount that exceeds the lesser of:

1 (a) Five percent plus the consumer price index above the base rent;  
2 or (b) ten percent above the base rent.

3 (3) If a landlord seeks to increase the amount of rent by more  
4 than three percent, the tenant may terminate the tenancy at any point  
5 prior to the effective date of the increase and, in that case, shall  
6 only owe pro rata rent through the date upon which the tenant  
7 surrenders the premises.

8 (4) (a) Any notice of an increase in the amount of rent under this  
9 section must be served in accordance with RCW 59.12.040.

10 (b) A landlord may not charge a tenant for the service of any  
11 notice required by this section.

12 (5) Late fees for past due rent may not exceed one-half of one  
13 percent of the monthly or periodic rent.

14 (6) A landlord may not increase the rent except in accordance  
15 with this chapter. A tenant who is charged rent in violation of this  
16 section, and pays rent in excess of amounts permitted by this  
17 section, shall have a cause of action against the landlord to recover  
18 actual damages in the amount of the excess rent paid, together with  
19 treble damages, costs, and reasonable attorneys' fees.

20 (7) As used in this section:

21 (a) "Base rent" means the lowest monthly or periodic rent paid by  
22 the tenant in the twelve months preceding the date of the notice of  
23 rent increase. Base rent does not include amounts paid for utilities  
24 where such amounts are paid separately from rent and are based upon  
25 actual utility usage and the amount billed by the utility company or  
26 service provider.

27 (b) "Consumer price index" means the annual twelve-month average  
28 change in the consumer price index for all urban consumers (CPI-U)  
29 for the west region, as published by the United States bureau of  
30 labor statistics in November of the prior calendar year.

31 (c) "Immediate family" means spouses, parents, children,  
32 grandparents, grandchildren, great grandparents, great grandchildren,  
33 nieces, nephews, siblings, and intimate partners.

34 **Sec. 2.** RCW 59.18.140 and 2019 c 105 s 1 are each amended to  
35 read as follows:

36 (1) The tenant shall conform to all reasonable obligations or  
37 restrictions, whether denominated by the landlord as rules, rental  
38 agreement, rent, or otherwise, concerning the use, occupation, and  
39 maintenance of his or her dwelling unit, appurtenances thereto, and

1 the property of which the dwelling unit is a part if such obligations  
2 and restrictions are not in violation of any of the terms of this  
3 chapter and are not otherwise contrary to law, and if such  
4 obligations and restrictions are brought to the attention of the  
5 tenant at the time of his or her initial occupancy of the dwelling  
6 unit and thus become part of the rental agreement.

7 (2) Except for termination of tenancy and an increase in the  
8 amount of rent, after thirty days written notice to each affected  
9 tenant, a new rule of tenancy may become effective upon completion of  
10 the term of the rental agreement or sooner upon mutual consent.

11 (3) (a) Except as provided in section 1(1)(a) of this act and in  
12 (b) of this subsection, a landlord shall provide a minimum of sixty  
13 days' prior written notice of an increase in the amount of rent to  
14 each affected tenant, and any increase in the amount of rent may not  
15 become effective prior to the completion of the term of the rental  
16 agreement.

17 (b) If the rental agreement governs a subsidized tenancy where  
18 the amount of rent is based on the income of the tenant or  
19 circumstances specific to the subsidized household, a landlord shall  
20 provide a minimum of thirty days' prior written notice of an increase  
21 in the amount of rent to each affected tenant. An increase in the  
22 amount of rent may become effective upon completion of the term of  
23 the rental agreement or sooner upon mutual consent.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31  
25 RCW to read as follows:

26 Beginning on or before January 20, 2021, and by January 20th  
27 every year thereafter, the department of commerce must update and  
28 publish the maximum allowable rent increase pursuant to section 1(2)  
29 of this act for any rent increases which take effect on or after June  
30 1st of the year of publication through May 31st of the following  
31 year. In so doing, the department shall apply the consumer price  
32 index as defined in section 1(7) of this act. In no case may the  
33 maximum allowable rent increase exceed the lesser of: (1) Five  
34 percent plus the consumer price index above the base rent; or (2) ten  
35 percent above the base rent.

36 NEW SECTION. **Sec. 4.** The following acts or parts of acts are  
37 each repealed:

1           (1) RCW 35.21.830 (Controls on rent for residential structures—  
2 Prohibited—Exceptions) and 1981 c 75 s 1; and  
3           (2) RCW 36.01.130 (Controls on rent for residential structures—  
4 Prohibited—Exceptions) and 1991 c 363 s 43 & 1981 c 75 s 2.

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