
HOUSE BILL 1526

State of Washington

62nd Legislature

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By Representatives Orwall, Upthegrove, Kagi, Fitzgibbon, Kenney, and Darneille

Read first time 01/25/11. Referred to Committee on Judiciary.

1 AN ACT Relating to tenant screening under the residential landlord-
2 tenant act; amending RCW 59.18.257; and adding a new section to chapter
3 59.18 RCW.

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

5 **Sec. 1.** RCW 59.18.257 and 1991 c 194 s 3 are each amended to read
6 as follows:

7 (1) If a landlord uses a tenant screening service, then the
8 landlord may only charge for the costs incurred for using the tenant
9 screening service under this section. If a landlord conducts his or
10 her own screening of tenants, then the landlord may charge his or her
11 actual costs in obtaining the background information, but the amount
12 may not exceed the customary costs charged by a screening service in
13 the general area. The landlord's actual costs include costs incurred
14 for long distance phone calls and for time spent calling landlords,
15 employers, and financial institutions.

16 (2) A landlord may not charge a prospective tenant for the cost of
17 obtaining background information or using a tenant screening service
18 under this section unless the landlord first notifies the prospective
19 tenant in writing of what a tenant screening entails, the prospective

1 tenant's rights to dispute the accuracy of information provided by the
2 tenant screening service or provided by the entities listed on the
3 tenant application who will be contacted for information concerning the
4 tenant, and the name and address of the tenant screening service used
5 by the landlord.

6 ~~(3) ((Nothing in this section requires a landlord to disclose~~
7 ~~information to a prospective tenant that was obtained from a tenant~~
8 ~~screening service or from entities listed on the tenant application~~
9 ~~which is not required under the federal fair credit reporting act, 15~~
10 ~~U.S.C. Sec. 1681 et seq.~~

11 (4)) A landlord must provide a prospective tenant with all of the
12 screening criteria that may be used to determine tenancy before
13 charging the prospective tenant any fee for using a tenant screening
14 service or obtaining background information used in the screening
15 process. Screening criteria may include:

16 (a) Whether the information obtained could not be verified or was
17 different than what was provided by the prospective tenant;

18 (b) Whether the information obtained was inadequate because the
19 prospective tenant did not provide all of the required information;

20 (c) Employment history;

21 (d) Rental history;

22 (e) Income standards or affordability tests;

23 (f) Credit history;

24 (g) Criminal history;

25 (h) Information in public records; or

26 (i) Any other factor, unless prohibited by law, explained in
27 writing to the prospective tenant.

28 (4)(a) A landlord must provide any prospective tenant who is denied
29 housing with a notice that informs the prospective tenant of the reason
30 or reasons that the prospective tenant's application was denied.

31 (b) The landlord must specify one or more of the screening criteria
32 provided to the prospective tenant under subsection (3) of this section
33 as a basis for the denial.

34 (c) The landlord must also inform the prospective tenant of the
35 source of the information used as the basis for denial of the
36 application and contact information for that source, unless the source
37 was provided by the prospective tenant. Categories of sources include:

38 (i) A consumer reporting agency;

- 1 (ii) A tenant screening service;
2 (iii) Public records searched by the landlord;
3 (iv) Persons or businesses provided by the prospective tenant in
4 the application and contacted by the landlord; and
5 (v) Other sources as specified by the landlord in the notice.

6 (5) Any landlord who violates this section may be liable to the
7 prospective tenant for an amount not to exceed one hundred dollars.
8 The prevailing party may also recover court costs and reasonable
9 attorneys' fees.

10 NEW SECTION. Sec. 2. A new section is added to chapter 59.18 RCW
11 to read as follows:

12 A tenant screening service shall not include in a tenant screening
13 report provided to a landlord a qualified victim protection record
14 pertaining to the prospective tenant. For the purposes of this
15 section, "qualified victim protection record" means a record or
16 information concerning any judicial or administrative proceeding in
17 which the person about whom the record or information pertains sought
18 to obtain any no-contact order or order of protection from domestic
19 violence, sexual assault, stalking, harassment, or other violent crime,
20 including any petition or proceeding for a no-contact order or
21 protection order under chapter 9A.46, 10.14, 10.99, 26.09, 26.26, or
22 26.50 RCW.

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