

A LANDLORD QUESTION:

Q. Is there a legal requirement that the name and/or telephone number of the owner of a property be identified on the lease and or rental agreement for the benefit of the renter/lessee?

A. Yes, RCW 59.18.060(14) requires that the name and address of the landlord shall be in the rental agreement or on a notice conspicuously posted in the rented premises. If it changes the tenant must be notified by a new posting or certified mail. It does not require telephone number, just name and address. Landlord is defined as the owner, lessor and agent.

Q. If the owner has appointed a Property Manager to act as the Landlord, does the rental agreement need to have the name of the actual owner disclosed as well as the Landlord and or Property Manager? A renter/lessee wants to contact the Owner of the property they are renting and the Property Management company may not feel obligated to divulge that information; at least on the agreement.

A. The statute is unclear. Look at RCW 59.18.030 and the definition of landlord. It lists owner, lessor, sub-lessor and agent. It does not make it clear whether that means you have to list them all or whether one is enough. The idea is to know who to sue and where to find them to serve them. As long as the lease or rental agreement is in the name of the property manager as agent, that is who I would name, and of course that means that the property manager is who gets sued. It is easy enough to find out who owns the property from the county treasurer or assessor, or at a title company. If someone wants to sue the owner, like for damages for personal injury, they can find them and sue them. If an owner is trying to hide from the tenants maybe he/she should get in a different business. Having a property manager does not shield an owner from suit, but it does shield them from telephone calls and dealing with the property and tenants, except when they get sued by the tenants.

**This column does not constitute legal advise. Specific problems require specific solutions. Information provided by Donald Kirkpatrick, Attorney At Law.*

Or ca *WISDOM*

**Always keep your words soft and sweet,
just in case you have to eat them.**

Advice from: THE BUG DOCTOR

Call him at: 888-794-2847

Little known pest facts:

We swat them, squish them, step on them, and generally try to rid them from our lives, but bugs and rodents are actually quite interesting.



Cockroaches have been on earth since almost the beginning of time. They have survived floods, fires, famines, trips to outer space and nuclear tests.

Termites infest 600,000 homes a year, damaging \$1 billion in property.

Above all, each household pest is a potential disease carrier. Many household pests transmit the disease organisms responsible for a number of serious illnesses, including Salmonella, Dysentery, Bubonic Plague and Rocky Mountain Fever.

More fascinating facts about insects and rodents:

***Never squash a yellow jacket near the nest. A dying yellow jacket releases an alarm pheromone that alerts its comrades. In less than 15 seconds, yellow jackets within a 15 foot radius will rally to the victim's aid.**

***Rats can jump 3 feet straight up, and 4 feet outwards, from a standing position. They can burrow 3 feet straight down into the ground; swim 1/2 mile in open water and against current in sewer lines; and climb up inside pipes with diameters between 1 1/2 and 4 inches. A rat's teeth are so strong, it can bite through aluminum, lead and other metals.**

***Two fleas breeding under ideal conditions, have the potential to produce two trillion descendants in nine months.**



Watch Out!

A fire investigator said that he has seen house fires started when plug-in type room fresheners are used. He said that the plastic they are made from is THIN plastic. He also said that in every case there was nothing left to prove that the plug-in room freshener even existed. However when the investigator looked in the wall plug, the two prongs left from the plug-in were still in there. The investigator said he personally wouldn't have any type of plug-in fragrance device anywhere in his house. He has seen too many places that have been burned down due to them.

Explanation of Bankruptcy Discharge in Chapter 7 Case

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a discharged debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. [*In a case involving community property:*] [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That Are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts That Are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay non-dischargeable taxes; (*applies to cases filed on or after October 17, 2005*)
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of motor vehicle, vessel, or aircraft while intoxicated.
- g. Some debts which were not property listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.
- j. Debts owed to a certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for

federal employees for certain types of loans from these plans. (*applies to cases filed on or after October 17, 2005*)

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

Fair Housing Questions and Answers:

The Blackberry Ridge complex has several applicants competing for the same apartment. Can the manager choose the applicant she believes will be the best, based on her experience?

Some individuals who "look" okay turn out to be bad tenants; however, a housing provider working on assumptions and experience alone won't know that until after entering into a lease agreement. You will have more consistent results and fewer discrimination complaints if you establish a fair screening process for all prospective tenants and apply it equally to all. It's best to screen applicants on a first-come, first-served basis. Stop screening when you reach a qualified applicant who meets the screening criteria, and offer the unit to that applicant. It's a good idea to date and time-stamp the applications so you know the exact order in which you received them. Pre-printed documents will help to ensure that you are gathering the same information from every applicant, and that you aren't asking for any inappropriate information.

**Reprinted from Washington State Fair Housing Newsletter*

What People are Saying About ORCA

"Dear Orca Pod,

Thank you for the excellent tenant background check you sent us! We now have a one year lease, first and last month's rent, deposit and a wonderful renter!

Thanks again!"

"Dear Orca,

Thank you very much for your time this afternoon sharing what your organization offers. My wife and I will be in touch shortly and intend on utilizing your services.

Rarely do you find a company who's focus reached beyond what their scope of compensation is. Your referral to community service associates through education and focus on bettering the communities in which we all serve left a lasting impression.

Thank you."