

Updates

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Washington State Removes Acknowledgment Requirement for Real Estate Leases



Leases of real estate will no longer require acknowledgment, witness, or seals, regardless of the term or period of the lease.

On March 13, 2024, Governor Jay Inslee signed into law Substitute Senate Bill 5840 (SSB 5840), which amends the state statutes governing the acknowledgment of leases of real estate. The bill, which was unanimously passed by both chambers of the legislature, aims to eliminate the confusion and inconsistency that resulted from previous laws that required different forms of acknowledgment for leases of different durations and for recording purposes.

Previously, leases of real estate lasting longer than one year had to be acknowledged. Under the new law, which takes effect on June 6, 2024, leases of real estate do not require acknowledgment, witness, or seals, regardless of the term or period of the lease. However, to avoid any potential conflict with local recording requirements, a lease and a memorandum of lease must still have all signatures acknowledged if it is to be recorded. Parties to a lease can now execute and enforce a lease without any acknowledgements, but they must comply with the standard acknowledgment requirements if they want to record the lease and provide notice to third parties of their interest in the property.

The new law also clarifies that such changes do not conflict with or supersede the Residential Landlord-Tenant Act, which allows oral rental agreements for terms of less than one year. Therefore, landlords and tenants of residential property can still enter into valid oral leases for short-term rentals.

SSB 5840 is a welcome reform that simplifies the legal formalities for leasing real estate in Washington state and provides more flexibility and certainty for parties to lease transactions. Landlords and tenants should be aware of the new law and its implications for their lease agreements and recording practices.

Authors

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