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SECOND ENGROSSED SUBSTITUTE SENATE BILL 5742

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State of Washington

61st Legislature

2010 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler, and Hatfield)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to crime-free rental housing; and adding a new  
2 chapter to Title 35 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that local  
5 governments, landlords, and tenants working together to provide crime-  
6 free rental housing is beneficial to the public health, safety, and  
7 welfare. The legislature is also concerned about activities and  
8 provisions that serve to bar a person with a criminal background from  
9 obtaining viable housing regardless of other factors that may indicate  
10 rental stability, such as employment, rental references, or time in the  
11 community with no further criminal activity. It is therefore the  
12 intent of this act to provide certain requirements that a local  
13 government must follow in adopting a crime-free rental housing program.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply  
15 throughout this chapter unless the context clearly requires otherwise.

16 (1) "Crime-free rental housing program" means a crime prevention  
17 program designed to reduce crime, drugs, and gangs on rental housing  
18 premises under the supervision of the local police department or a

1 crime prevention officer. The program may include, but is not limited  
2 to: Property management and crime prevention training classes; crime  
3 prevention through environmental design surveys; and community  
4 awareness training.

5 (2) "Criminal activity" means a criminal act defined by statute or  
6 ordinance that threatens the health, safety, or welfare of the tenants,  
7 owner, guests, occupants, or property manager.

8 (3) "Premises" has the same meaning as in RCW 59.18.030.

9 (4) "Rental housing" means any tenancy subject to chapter 59.12,  
10 59.18, or 59.20 RCW.

11 NEW SECTION. **Sec. 3.** (1) A city, town, or county may adopt and  
12 implement a local government crime-free rental housing program in  
13 accordance with this section.

14 (2) Except as provided in subsection (3) of this section, a crime-  
15 free rental housing program must be voluntary.

16 (3)(a) Individual local jurisdictions may require a landlord to  
17 participate in a crime-free rental housing program upon exceeding a  
18 reasonable threshold of instances of criminal activity on the premises  
19 if the landlord has not made a good faith effort to deter the criminal  
20 activity.

21 (b) A good faith effort may include, but is not limited to:

22 (i) Service of notice on the tenant to comply or quit as allowed by  
23 law or the commencement of an unlawful detainer action against the  
24 tenant; and

25 (ii) Attendance and completion of a landlord training program  
26 approved by the local jurisdiction.

27 (4)(a) As a prerequisite to subsection (3) of this section, upon  
28 the occurrence of criminal activity on the premises, the local police  
29 department must send a notice to the landlord setting forth the date of  
30 the occurrence, the location of the occurrence, the nature of the  
31 occurrence, and the name of the person who engaged in the occurrence.

32 (b) Notice must be deemed properly delivered when it is either  
33 served upon the landlord or a property manager of the rental property,  
34 or is delivered by first-class mail to the last known address of the  
35 landlord.

36 (5) This section does not prevent a city, town, or county from

1 charging a fee for participation in a crime-free rental housing  
2 program.

3 (6) This section does not affect a city, town, or county's  
4 authority to enforce existing law in regard to rental housing, except  
5 in regard to a crime-free rental housing program.

6 NEW SECTION. **Sec. 4.** A crime-free rental housing program may not  
7 prohibit a landlord from hiring or renting to a person solely because  
8 of the person's criminal background.

9 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2) of  
10 this section, sections 2 through 4 of this act supersede and preempt  
11 all rules, regulations, codes, statutes, or ordinances of all cities,  
12 counties, municipalities, and local agencies regarding the same subject  
13 matter. The state preemption created in this section applies to all  
14 rules, regulations, codes, statutes, and ordinances pertaining to  
15 crime-free rental housing programs at any time.

16 (2) Section 3 of this act does not apply to rules, regulations,  
17 codes, statutes, or ordinances adopted by cities, counties,  
18 municipalities, or local agencies prior to July 1, 2010, except as  
19 required by an order issued by a court of competent jurisdiction  
20 pursuant to litigation regarding the rules, regulations, codes,  
21 statutes, or ordinances.

22 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute  
23 a new chapter in Title 35 RCW.

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