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SENATE BILL 5742

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Hargrove, McCaslin, Hobbs, Schoesler, and Hatfield

Read first time 01/30/09. Referred to Committee on Human Services & Corrections.

1            AN ACT Relating to local government crime-free rental housing  
2 programs; adding new sections to chapter 35.21 RCW; adding a new  
3 section to chapter 59.18 RCW; and creating new sections.

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

5            NEW SECTION.        **Sec. 1.**        The legislature finds that local  
6 governments, landlords, and tenants working together to provide crime-  
7 free rental housing is beneficial to the public health, safety, and  
8 welfare. The intent of this act is to provide certain requirements  
9 that a local government must follow in adopting a crime-free rental  
10 housing program and to provide landlords with a tool to stop criminal  
11 activity on their property.

12            NEW SECTION.        **Sec. 2.**        A new section is added to chapter 35.21 RCW  
13 to read as follows:

14            (1) A city, town, or county may adopt and implement a local  
15 government crime-free rental housing program designed to reduce crime,  
16 drugs, and gangs on rental properties by having the rental property  
17 owner or manager: Attend classes on property management; submit to a  
18 crime prevention through environmental design inspection; agree to

1 screen all applicants and to not rent to criminals; agree not to hire  
2 known felons for work on the property; or hold a crime awareness social  
3 on the property or in the neighborhood.

4 (2) A local government crime-free rental housing program shall  
5 comply with the following requirements:

6 (a) Landlord involvement in a program must be on a voluntary basis.  
7 The city, town, or county implementing the program may not treat a  
8 landlord who elects not to participate in a program differently than a  
9 landlord who elects to participate in the program.

10 (b) Participation in a program may not be a condition to a landlord  
11 obtaining a business license or meeting any other requirement imposed  
12 by a city, town, or county for a landlord to own and operate rental  
13 housing.

14 (c) A city, town, or county implementing a program may charge a  
15 landlord an annual fee for participating in the program, but may not  
16 charge a separate fee for providing law enforcement services to a  
17 landlord's rental property.

18 (d) If a program provides for education, the city, town, or county  
19 may educate landlords and tenants on crime prevention, key control and  
20 master key use, and responding to criminal activity, gangs, and drug  
21 activities. Educational programs regarding rental property leases,  
22 addendums, tenant background screening, notices, evictions, and  
23 chapters 59.12, 59.18, and 59.20 RCW may be taught by state and local  
24 associations representing landlords or experts in that particular  
25 field.

26 (e) A program may not impose any requirements on how a landlord  
27 operates rental housing, including employee standards, tenant screening  
28 standards, property construction and maintenance standards, or any  
29 other activities that would normally be in the strict purview of the  
30 rental housing owner.

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

34 (4) As used in this section, "rental housing" means any tenancy  
35 subject to chapter 59.12, 59.18, or 59.20 RCW.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW  
37 to read as follows:

1 (1) When criminal activity on a rental property is suspected or has  
2 occurred, the city, town, or county shall provide law enforcement  
3 assistance and technical assistance to rental property owners and  
4 managers to prevent further criminal activity on the property.

5 (2) Rental property owners or managers may contact law enforcement  
6 to request assistance with the following:

7 (a) Providing the property owner or manager with all documentation  
8 associated with the suspected or convicted criminal activity; and

9 (b) Police communication with the tenant responsible for the  
10 criminal activity to clarify that the criminal activity will result in  
11 an eviction.

12 (3) As used in this section, "criminal activity" means a criminal  
13 act defined by statute or ordinance that threatens the health, safety,  
14 or welfare of the tenants, owner, or property manager.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.18 RCW  
16 to read as follows:

17 (1) If a tenant has engaged in criminal activity, a rental property  
18 owner may terminate the tenancy immediately and may commence an  
19 unlawful detainer action under this chapter. A rental property owner  
20 seeking to evict a tenant or occupant under this section is not  
21 required to produce evidence of a criminal conviction, even if the  
22 alleged misconduct constitutes a criminal offense. The following  
23 constitute sufficient grounds for a rental property owner to evict a  
24 tenant under this section:

25 (a) Notice from a law enforcement agency of criminal activity; or

26 (b) Notification of the seizure of illegal drugs under RCW  
27 59.20.155.

28 (2) As used in this section, "criminal activity" means a criminal  
29 act defined by statute or ordinance that threatens the health, safety,  
30 or welfare of the tenants, owner, or property manager.

31 NEW SECTION. **Sec. 5.** This act may be known and cited as the local  
32 government crime-free rental housing act.

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