

2ESSB 5742 - H COMM AMD
By Committee on Judiciary

ADOPTED 02/28/2010

1 Strike everything after the enacting clause and insert the
2 following:

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

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

15 (1) "Crime-free rental housing program" means a crime prevention
16 program designed to reduce crime, drugs, and gangs on rental housing
17 premises under the supervision of the local police department or a
18 crime prevention officer. The program may include, but is not limited
19 to: Property management and crime prevention training classes; crime
20 prevention through environmental design surveys; and community
21 awareness training.

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

25 (3) "Local government" means any city, code city, town, or county.

26 (4) "Premises" has the same meaning as in RCW 59.18.030.

27 (5) "Rental housing" means any tenancy subject to chapter 59.12,
28 59.18, or 59.20 RCW.

1 NEW SECTION. **Sec. 3.** (1)(a) Except as provided in (b) of this
2 subsection, a local government may adopt and implement a crime-free
3 rental housing program within its jurisdiction in accordance with this
4 chapter.

5 (b) A crime-free rental housing program adopted and implemented by
6 a county is applicable only to unincorporated areas of the county.

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

9 (3)(a) A local government may require a landlord to participate in
10 a crime-free rental housing program upon exceeding a reasonable
11 threshold of instances of criminal activity on the premises if the
12 landlord has not made a good faith effort to deter the criminal
13 activity.

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

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

18 (ii) Attendance and completion of a landlord training program
19 approved by the local government.

20 (4)(a) As a prerequisite to subsection (3) of this section, upon
21 the occurrence of criminal activity on the premises, the local police
22 department must send a notice to the landlord setting forth the
23 following:

24 (i) The date and location of the occurrence;

25 (ii) The nature of the occurrence; and

26 (iii) The name of the person who engaged in the occurrence.

27 (b) Notice is deemed properly delivered when it is either served
28 upon the landlord or a property manager of the rental property, or is
29 delivered by first-class mail to the last known address of the
30 landlord.

31 (5) This section does not prevent a local government from charging
32 a fee for participation in a crime-free rental housing program.

33 (6) This section does not affect a local government's authority to
34 enforce existing law in regard to rental housing, except in regard to
35 a crime-free rental housing program.

36 NEW SECTION. **Sec. 4.** A crime-free rental housing program may not

1 prohibit a landlord from hiring or renting to a person solely because
2 of the person's criminal history.

3 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2) of
4 this section, this chapter supersedes and preempts all rules,
5 regulations, codes, statutes, or ordinances of all local governments
6 regarding the same subject matter. The state preemption created in
7 this section applies to all rules, regulations, codes, statutes, and
8 ordinances pertaining to crime-free rental housing programs at any
9 time.

10 (2) Section 3 of this act does not apply to rules, regulations,
11 codes, statutes, or ordinances adopted by local governments prior to
12 July 1, 2010, except as required by an order issued by a court of
13 competent jurisdiction pursuant to litigation regarding the rules,
14 regulations, codes, statutes, or ordinances.

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

EFFECT: Adds a definition for "local government." Replaces
references to cities, counties, towns, municipalities, and local
agencies with "local government" for consistency. Specifies that a
crime-free rental housing program adopted by a county only applies to
unincorporated areas of the county. Replaces references to "criminal
background" with "criminal history." Makes other housekeeping changes
for clarity.

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