
Judiciary Committee

2ESSB 5742

Title: An act relating to crime-free rental housing.

Brief Description: Concerning crime-free rental housing.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield).

Brief Summary of Second Engrossed Substitute Bill

- Permits cities, towns, or counties to adopt a local government crime-free rental housing program.
- Establishes restrictions for local government crime-free rental housing programs.
- Preempts, with certain exceptions, all rules and regulations of cities, counties, municipalities, and local agencies regarding crime-free rental housing programs.

Hearing Date: 2/17/10

Staff: Courtney Barnes (786-7194).

Background:

Residential Landlord-Tenant Act.

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between tenants and landlords. The RLTA provides duties and remedies with respect to the landlord-tenant relationship. Under the RLTA, tenants are prohibited from engaging in certain criminal activity on the rental premises including:

- drug-related activity;
- gang-related activity; and
- activities resulting in arrest that are imminently hazardous to the physical safety of others and involve: (a) physical assaults; or (b) the unlawful use of a firearm or other deadly weapon.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a tenant engages in one of the activities listed above, the landlord may commence an unlawful detainer action. An unlawful detainer action allows the landlord to evict the tenant and regain possession of the rental property.

Manufactured/Mobile Home Landlord-Tenant Act.

Manufactured/mobile home communities are governed by the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA). The MHLTA outlines the rights and responsibilities of manufactured/mobile home landlords and tenants, including the duty of tenants to refrain from engaging in criminal activity. Under the MHLTA, landlords may terminate or refuse to renew a tenancy if a tenant engages in a criminal act that threatens the health, safety, or welfare of tenants. If a tenant engages in criminal activity, the landlord may commence an unlawful detainer action.

Crime-Free Rental Housing Programs.

Several Washington cities have adopted local crime-free rental housing programs. Generally, crime-free rental housing programs operate as a partnership between local police departments and local landlords and tenants who work together to address illegal activity on or around rental property. Typically, these programs contain three components:

- crime prevention training for property managers and landlords;
- a crime prevention through environmental design survey, which includes a walk through of the rental property to identify safety issues; and
- a community crime-free awareness event or a crime-free commitment made by the landlord.

Summary of Bill:

A city, town, or county may adopt and implement a local government crime-free rental housing program. A "crime-free rental housing program" means a crime prevention program designed to reduce crime, drugs, and gangs on rental housing premises under the supervision of the local police department or a crime prevention officer. "Rental housing" includes any tenancy that is subject to the RLTA or the MHLTA. A city, town, or county may charge a fee for participation in a crime-free housing program. Generally, a crime-free rental housing program must be voluntary and may include:

- property management and crime prevention training classes;
- crime prevention through environmental design surveys; and
- community awareness training.

If a landlord has not made a good faith effort to deter criminal activity, a local jurisdiction may require the landlord to participate in a crime-free rental housing program upon exceeding a reasonable threshold of instances of criminal activity on the premises. Prior to requiring a landlord to participate in a crime-free rental housing program and upon the occurrence of criminal activity on the premises, the local police department must send a notice to the landlord setting forth the: (a) date, location, and nature of the occurrence; and (b) name of the person who engaged in the occurrence.

A crime-free rental housing program may not prohibit a landlord from hiring or renting to a person solely because of the person's criminal background.

Generally, the bill supersedes and preempts all rules and regulations of cities, counties, municipalities, and local agencies regarding crime-free rental housing programs. Certain provisions of the bill do not apply to rules and regulations adopted by cities, counties, municipalities, or local agencies prior to July 1, 2010.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.