

FINAL BILL REPORT

2ESSB 5742

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Synopsis as Enacted

Brief Description: Concerning crime-free rental housing.

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

Senate Committee on Human Services & Corrections
House Committee on Judiciary

Background: Crime Free Rental Housing Program. The Crime Free Rental Housing Program (program) is based on the Crime Free Multi-Housing Program that was developed in Arizona in 1992. The program has since been adopted and utilized by many different cities across the country. Generally, the program consists of three phases:

1. Landlord Training – educating landlords and property managers in the basics of crime prevention on their premises;
2. Crime Prevention Through Environmental Design – a walk through of the property by crime prevention specialists to identify crime hazards and steps the landlord can take to improve the safety of the premises; and
3. Crime-Free Commitment – the landlord committing to maintain crime-free activities such as proper screening of tenants, having tenants sign a crime-free addendum to the rental agreement, and maintaining open communication with law enforcement.

Several cities in the state of Washington have adopted the program. Many of the cities have a certification process. By participating in the program and maintaining its commitments, the landlord's housing is certified as "Crime-Free." The landlord can then use this phrase in advertising that landlord's rentals. Some cities in the state have passed ordinances making the program mandatory.

Termination of Tenancy. The Residential Landlord-Tenant Act establishes various duties of landlords and tenants and provides remedies when those duties are not met. Those duties include an obligation not to engage in certain criminal activity including:

1. drug-related activity;
2. gang-related activity; and
3. other activities resulting in arrest that are imminently hazardous to the physical safety of other persons that entail a physical assault or the unlawful use of a firearm or 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 the tenant engages in one of the above activities, the landlord does not have to give the tenant a 30-day notice in which to cure the lack of compliance and may proceed immediately to an unlawful detainer action. An unlawful detainer action allows the landlord to evict the tenant and regain possession of the property if the tenant does not vacate the property after being served with a notice to vacate.

Summary: A crime-free rental housing program is a crime prevention program designed to reduce crime, drugs, and gangs on rental property under the supervision of local police or a crime prevention officer. A local government may establish a crime-free rental housing program. The program must be voluntary, however, a landlord may be required to participate if the landlord has exceeded a reasonable number of crime related incidence on the premises and has failed to make a good faith effort to deter the criminal activity. The police must provide notice to the landlord upon the occurrence of criminal activity in order to require a landlord's participation.

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 history.

Except for the prohibition against hiring or renting solely on the basis of a person's criminal history, these provisions do not apply to local ordinances and regulations adopted prior to July 1, 2010. All other regulations and ordinances concerning this subject matter are superseded.

Votes on Final Passage:

Senate	45	0	
House	95	1	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 10, 2010