
HOUSE BILL 2624

State of Washington

55th Legislature

1998 Regular Session

By Representatives Sterk, Crouse, Mulliken, Mielke, Benson, Honeyford and Thompson

Read first time 01/16/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to withholding rent with intent to defraud; adding
2 a new section to chapter 59.18 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW
5 to read as follows:

6 (1)(a)(i) Any tenant who has entered into a written rental
7 agreement and who uses, occupies, or exerts control over the premises
8 with intent to defraud the owner of the agreed-upon rental value of the
9 premises, or who, after using, occupying, or exerting control over the
10 premises, removes himself or herself from the premises with the intent
11 to terminate the tenancy without paying the full amount of rent as
12 agreed upon in the rental agreement, is guilty of: (A) A class B
13 felony if the total rental amount withheld exceeds one thousand five
14 hundred dollars; (B) a class C felony if the total rental amount
15 withheld exceeds two hundred fifty dollars but does not exceed one
16 thousand five hundred dollars; or (C) a gross misdemeanor if the total
17 rental amount withheld does not exceed two hundred fifty dollars.

18 (ii) If more than one incident of intentional withholding of rent
19 under the same written rental agreement occurs in uninterrupted

1 succession, the amounts withheld in each incident may be aggregated
2 into one count and the sum of the amounts of each incident shall be the
3 value considered in determining the class of crime.

4 (b) Proof that a person has failed to contact the owner or
5 responsible person within ten days after being served with a written
6 notice and demand to pay the amount creates a presumption that the
7 person intended to defraud. The notice and demand must clearly state
8 that failure to pay creates a presumption that the person intends to
9 defraud and may result in criminal charges. Service of the notice and
10 demand shall be in the same manner as provided under RCW 59.12.040.

11 (2) This section does not apply if there is a bona fide dispute
12 under RCW 59.18.090, 59.18.100, or 59.18.110 as to the amount of rent
13 due.

14 (3) This section does not apply to rental agreements for commercial
15 property.

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