

**SENATE BILL REPORT**

**ESSB 5986**

**AS PASSED SENATE, FEBRUARY 10, 1992**

**Brief Description:** Expanding the duties of tenants under the landlord-tenant act.

**SPONSORS:** Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Newhouse and Rasmussen).

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5986 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Ben Barnes (786-7465)

**Hearing Dates:** June 20, 1991; June 24, 1991

**HOUSE COMMITTEE ON HOUSING**

**BACKGROUND:**

The Residential Landlord-Tenant Act lists the statutory obligations of a tenant. The act also allows a landlord to terminate a rental agreement and evict a tenant who violates any of the enumerated statutory obligations.

It is suggested that the list of statutory tenant duties be expanded to include a prohibition against engaging in gang activities which endanger the premises or any neighboring premises or persons.

**SUMMARY:**

The list of statutory tenant duties under the Residential Landlord-Tenant Act is expanded to include a prohibition against engaging in any activities which endanger the premises or any neighboring premises or persons. Certain prohibited activities are listed.

A landlord is required to initiate an unlawful detainer action against a tenant who engages in any activities which endanger the premises or neighboring premises or persons.

Activities which endanger the premises or neighboring premises or persons may constitute a basis for a private abatement action.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

The bill would provide landlords, community activists, and police with an additional tool for combatting illegal and/or anti-social behavior in the community.

**TESTIMONY AGAINST:** None

**TESTIFIED:** David Lane, Tacoma Police Dept.; Charles Potter, Safe Streets; William Howard, Safe Streets, Block Watch; Stephen Wade, Safe Streets, Block Watch Captain; Rick Slunaker, Yakima Valley Rental Assn. (pro)

**HOUSE AMENDMENT(S):**

A tenant can terminate a rental agreement and leave the premises and remain eligible for recovering his or her damage deposit and last month's rent if:

(1) A tenant has a valid protective order which has been violated by the person to be restrained since the tenant occupied the dwelling unit; and the tenant has notified law enforcement officials about the violation; and a copy of the protective order is available to the landlord.

(2) A tenant, or another tenant who shares a particular dwelling unit, has been threatened by another tenant with a firearm or deadly weapon, which resulted in an arrest; and the landlord fails to file an unlawful detainer action against the tenant who made the threats within seven days after receiving notice of the arrest. A tenant can also terminate the rental agreement if the landlord has threatened the tenant with a firearm or other deadly weapon.

Tenants are specifically prohibited from engaging in any activity at the rental premises that is imminently hazardous to the physical safety of other persons on the premises and which entails physical assaults on others or the unlawful use of a firearm or other deadly weapon.

A landlord is not required to evict a tenant who threatens other tenants. A landlord may, however, proceed directly to an unlawful detainer action against any tenant who is arrested for creating an imminent hazard to the physical safety of other persons on the premises. A landlord may not be held liable for bringing an unlawful detainer action against a tenant for creating such an imminent hazard if the action is filed in good faith.

A law enforcement agency which arrests a tenant for threatening another tenant with a firearm or other deadly weapon, or for some other unlawful use of a firearm, or for physically assaulting another person on the rental premises,

must make a reasonable attempt to identify and notify the landlord about the arrest in writing. The notification must be sent to the last address listed in the property tax records and at any other address known to the law enforcement agency.

A process is established for allowing a landlord to recover the costs of moving and storing a tenant's property that is left behind after an eviction.

The unlawful use of a firearm or other deadly weapon by a person in, or adjacent to his or her dwelling, that imminently threatens the physical safety of others in the adjacent area is a nuisance and can be abated.