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ENGROSSED SUBSTITUTE SENATE BILL 5986

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State of Washington                      52nd Legislature    1991 1st Special Session

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

Read first time June 24, 1991. Referred to Committee on Law & Justice.

1            AN ACT Relating to tenant duties under the landlord-tenant act; and  
2 amending RCW 59.18.130, 59.18.180, and 7.48.052.

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

4            **Sec. 1.** RCW 59.18.130 and 1991 c 154 s 3 are each amended to read  
5 as follows:

6            Each tenant shall pay the rental amount at such times and in such  
7 amounts as provided for in the rental agreement or as otherwise  
8 provided by law and comply with all obligations imposed upon tenants by  
9 applicable provisions of all municipal, county, and state codes,  
10 statutes, ordinances, and regulations, and in addition shall:

11            (1) Keep that part of the premises which he or she occupies and  
12 uses as clean and sanitary as the conditions of the premises permit;

13            (2) Properly dispose from his or her dwelling unit all rubbish,  
14 garbage, and other organic or flammable waste, in a clean and sanitary

1 manner at reasonable and regular intervals, and assume all costs of  
2 extermination and fumigation for infestation caused by the tenant;

3 (3) Properly use and operate all electrical, gas, heating, plumbing  
4 and other fixtures and appliances supplied by the landlord;

5 (4) Not intentionally or negligently destroy, deface, damage,  
6 impair, or remove any part of the structure or dwelling, with the  
7 appurtenances thereto, including the facilities, equipment, furniture,  
8 furnishings, and appliances, or permit any member of his or her family,  
9 invitee, licensee, or any person acting under his or her control to do  
10 so. Violations may be prosecuted under chapter 9A.48 RCW if the  
11 destruction is intentional and malicious;

12 (5) Not permit a nuisance or common waste;

13 (6) Not engage in drug-related activity at the rental premises, or  
14 allow a subtenant, sublessee, resident, or anyone else to engage in  
15 drug-related activity at the rental premises with the knowledge or  
16 consent of the tenant. "Drug-related activity" means that activity  
17 which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW;

18 (7) Maintain the smoke detection device in accordance with the  
19 manufacturer's recommendations, including the replacement of batteries  
20 where required for the proper operation of the smoke detection device,  
21 as required in RCW 48.48.140(3); ((and))

22 (8) Not engage in any activities that endanger the premises or any  
23 neighboring premises or persons. For purposes of this section, such  
24 activities include but are not limited to the commission of any of the  
25 following acts:

26 (a) Physical assaults upon another person;

27 (b) The use of firearms or other weapons; or

28 (c) Physical damage to or destruction of property; and

29 (9) Upon termination and vacation, restore the premises to their  
30 initial condition except for reasonable wear and tear or conditions

1 caused by failure of the landlord to comply with his or her obligations  
2 under this chapter: PROVIDED, That the tenant shall not be charged for  
3 normal cleaning if he or she has paid a nonrefundable cleaning fee.

4 **Sec. 2.** RCW 59.18.180 and 1988 c 150 s 7 are each amended to read  
5 as follows:

6 If the tenant fails to comply with any portion of RCW 59.18.130 or  
7 59.18.140, and such noncompliance can substantially affect the health  
8 and safety of the tenant or other tenants, or substantially increase  
9 the hazards of fire or accident that can be remedied by repair,  
10 replacement of a damaged item, or cleaning, the tenant shall comply  
11 within thirty days after written notice by the landlord specifying the  
12 noncompliance, or, in the case of emergency as promptly as conditions  
13 require. If the tenant fails to remedy the noncompliance within that  
14 period the landlord may enter the dwelling unit and cause the work to  
15 be done and submit an itemized bill of the actual and reasonable cost  
16 of repair, to be payable on the next date when periodic rent is due, or  
17 on terms mutually agreed to by the landlord and tenant, or immediately  
18 if the rental agreement has terminated. Any substantial noncompliance  
19 by the tenant of RCW 59.18.130 or 59.18.140 shall constitute a ground  
20 for commencing an action in unlawful detainer in accordance with the  
21 provisions of chapter 59.12 RCW, and a landlord may commence such  
22 action at any time after written notice pursuant to such chapter. The  
23 tenant shall have a defense to an unlawful detainer action filed solely  
24 on this ground if it is determined at the hearing authorized under the  
25 provisions of chapter 59.12 RCW that the tenant is in substantial  
26 compliance with the provisions of this section, or if the tenant  
27 remedies the noncomplying condition within the thirty day period  
28 provided for above or any shorter period determined at the hearing to  
29 have been required because of an emergency: PROVIDED, That if the

1 defective condition is remedied after the commencement of an unlawful  
2 detainer action, the tenant may be liable to the landlord for statutory  
3 costs and reasonable attorney's fees.

4 If drug-related activity is alleged to be a basis for termination  
5 of tenancy under RCW 59.18.130(6), 59.12.030(5), or 59.20.140(5), the  
6 compliance provisions of this section do not apply and the landlord may  
7 proceed directly to an unlawful detainer action.

8 If activities which endanger the premises or any neighboring  
9 premises or persons are alleged to be the basis for termination of  
10 tenancy under RCW 59.18.130(8), the compliance provisions of this  
11 section do not apply and the landlord shall proceed directly to an  
12 unlawful detainer action.

13 **Sec. 3.** RCW 7.48.052 and 1990 c 152 s 2 are each amended to read  
14 as follows:

15 The following are declared to be moral nuisances:

16 (1) Any and every place in the state where lewd films are publicly  
17 exhibited as a regular course of business, or possessed for the purpose  
18 of such exhibition, or where lewd live performances are publicly  
19 exhibited as a regular course of business;

20 (2) Any and every place in the state where a lewd film is publicly  
21 and repeatedly exhibited, or possessed for the purpose of such  
22 exhibition, or where a lewd live performance is publicly and repeatedly  
23 exhibited;

24 (3) Any and every lewd film which is publicly exhibited, or  
25 possessed for such purpose at a place which is a moral nuisance under  
26 this section;

27 (4) Any and every place of business in the state in which lewd  
28 publications constitute a principal part of the stock in trade;

1 (5) Any and every lewd publication possessed at a place which is a  
2 moral nuisance under this section;

3 (6) Every place which, as a regular course of business, is used for  
4 the purpose of lewdness, assignation, or prostitution, and every such  
5 place in or upon which acts of lewdness, assignation, or prostitution  
6 are conducted, permitted, carried on, continued, or exist;

7 (7) All public houses or places of resort where illegal gambling is  
8 carried on or permitted; all houses or places within any city, town, or  
9 village, or upon any public road, or highway where drunkenness, illegal  
10 gambling, fighting, or breaches of the peace are carried on or  
11 permitted; all houses, housing units, other buildings, or places of  
12 resort where controlled substances identified in Article II of chapter  
13 69.50 RCW and not authorized by that chapter, are manufactured,  
14 delivered or possessed, or where any such substance not obtained in a  
15 manner authorized by chapter 69.50 RCW is consumed by ingestion,  
16 inhalation, injection or any other means;

17 (8) Activities which endanger a premises or any neighboring  
18 premises or persons pursuant to RCW 59.18.130(6) or (8).