

1 **HB 1645 - H AMD 0190 WITHDRAWN 3-15-03**

2 By Representative _____

3 Beginning on page 2, line 7, strike all of sections 2 and 3 and
4 insert the following:

5 "NEW SECTION. **Sec. 2** A new section is added to chapter 59.18
6 RCW to read as follows:

7 The definitions in this section apply throughout this section
8 and sections 3 through 5 of this act unless the context clearly
9 requires otherwise.

10 (1) "Domestic violence" has the same meaning as set forth in
11 RCW 26.50.010.

12 (2) "Sexual assault" has the same meaning as set forth in RCW
13 70.125.030.

14 (3) "Stalking" has the same meaning as set forth in RCW
15 9A.46.110.

16 (4) "Qualified third party" means any of the following people
17 acting in their official capacity:

18 (a) Law enforcement officers;

19 (b) Persons subject to the provisions of chapter 18.120 RCW;

20 (c) Employees of a court of the state;

21 (d) Licensed mental health professionals or other licensed
22 counselors;

23 (e) Employees of crime victim/witness programs as defined in
24 RCW 7.69.020 who are trained advocates for the program; and

25 (f) Members of the clergy as defined in RCW 26.44.020.

26 (5) "Household member" means a child or adult residing with the
27 tenant other than the perpetrator of domestic violence, stalking,
28 or sexual assault.

29 (6) "Tenant screening service provider" means any
30 nongovernmental agency that provides, for a fee, background
31 information on prospective tenants to landlords.

32 (7) "Credit reporting agency" has the same meaning as set forth
33 in RCW 19.182.010(5).

1 NEW SECTION. **Sec. 3** A new section is added to chapter 59.18
2 RCW to read as follows:

3 (1)(a) If a tenant notifies the landlord in writing that he or
4 she or a household member was a victim of an act that constitutes
5 a crime of domestic violence, sexual assault, or stalking, and
6 either (a)(i) or (ii) of this subsection applies, then subsection
7 (2) of this section applies:

8 (i) The tenant or the household member has a valid order for
9 protection under one or more of the following: Chapters 26.50 or
10 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or
11 (3), or 26.09.050; or

12 (ii) The tenant or the household member has reported the
13 domestic violence, sexual assault, or stalking to a qualified third
14 party acting in his or her official capacity and the qualified
15 third party has provided the tenant or the household member a
16 written record of the report signed by the qualified third party.

17 (b) When a copy of a valid order for protection or a written
18 record of a report signed by a qualified third party, as required
19 under (a) of this subsection, is made available to the landlord,
20 the tenant may terminate the rental agreement and quit the premises
21 without further obligation under the rental agreement or under
22 chapter 59.12 RCW. However, the request to terminate the rental
23 agreement must occur within ninety days of the reported act, event,
24 or circumstance that gave rise to the protective order or report to
25 a qualified third party. A record of the report to a qualified
26 third party shall consist of a document signed and dated by the
27 qualified third party stating: (i) That the tenant or the household
28 member notified him or her that he or she was a victim of an act or
29 acts that constitute a crime of domestic violence, sexual assault,
30 or stalking; (ii) the time and date the act or acts occurred; (iii)
31 the location where the act or acts occurred; (iv) a brief
32 description of the act or acts of domestic violence, sexual
33 assault, or stalking; and (v) the name of the alleged perpetrator
34 or perpetrators of the act or acts. The record of the report to a
35 qualified third party may be accomplished by completion of a form
36 provided by the qualified third party, in substantially the
37 following form:

38

39 [Name of organization, agency, clinic, professional service provider]

1 I and/or my (household member) am/is a victim of
. . . domestic violence as defined by RCW 26.50.010.
. . . sexual assault as defined by RCW 70.125.030.
. . . stalking as defined by RCW 9A.46.110.

2 Briefly describe the incident of domestic violence, sexual assault or stalking:
3
4

5 The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s):
6 and at the following location(s):
7

8 The incident(s) that I rely on in support of this declaration were committed by the following person(s): .
9
10

11 I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and
12 correct. Dated at (city) . . , Washington, this . . . day of . . . , 20. ..

.
Signature of Tenant or
Household Member

13 I verify that I have provided to the person whose signature appears above the statutes cited in RCW
14 59.18.--- (section 3 of this act) and that the individual was a victim of an act that constitutes a crime of
15 domestic violence, sexual assault, or stalking on this . . . day of . . . , 20. ..

.
Signature of authorized
officer/employee of
(Organization, agency,
clinic, professional service
provider)

16 (2) A tenant who terminates a rental agreement under this
17 section is discharged from the payment of rent for any period
18 following the last day of the month of the quitting date. The
19 tenant shall remain liable for the rent for the month in which he
20 or she terminated the rental agreement unless the termination is in
21 accordance with RCW 59.18.200(1). Notwithstanding lease provisions
22 that allow for forfeiture of a deposit for early termination, a
23 tenant who terminates under this section is entitled to the return

1 of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other
2 tenants who are parties to the rental agreement, except household
3 members who are the victims of sexual assault, stalking, or
4 domestic violence, are not released from their obligations under
5 the rental agreement or other obligations under this chapter.

6 (3) The provision of verification of a report under subsection
7 (1)(b) of this section does not waive the confidential or
8 privileged nature of the communication between a victim of domestic
9 violence, sexual assault, or stalking with a qualified third party
10 pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or
11 evidence obtained from such disclosure may be used in any civil,
12 administrative, or criminal proceeding against the victim unless a
13 written waiver of applicable evidentiary privilege is obtained,
14 except that the verification itself, and no other privileged
15 information, under subsection (1)(b) of this section may be used in
16 civil proceedings brought under this section."

EFFECT: Changes the definition of "qualified third party" as follows: Removes attorneys, social workers, and advocates working at agencies that assist victims; and adds "employees of a crime victim/witness program who are trained advocates."

Specifically states that the act of domestic violence, sexual assault or stalking that is the basis of the report and termination of the tenancy must be an act that constitutes a crime of domestic violence, sexual assault or stalking.

Requires the written record of a report of abuse to a qualified third party to include the following additional information: (1) A brief description of the act of domestic violence, sexual assault or stalking; (2) the location where the act occurred; and (3) the name of the perpetrator of the act. Modifies the sample report to include this additional information.

Amends the sample form to require the qualified third party to verify that the person was the victim of an act that constitutes a crime of domestic violence, sexual assault or stalking. (The underlying bill requires verification that the victim informed the third party of the person's status as a victim.)