

HOUSE BILL REPORT

HB 2417

As Reported by House Committee On:
Financial Institutions & Insurance

Title: An act relating to notifying home buyers or tenants of where information regarding registered sex offenders may be obtained.

Brief Description: Notifying home buyers or tenants of where information regarding registered sex offenders may be obtained.

Sponsors: Representatives Simpson, G., Hudgins, Morrell, Sullivan, Chase, Rockefeller and Schual-Berke.

Brief History:

Committee Activity:

Financial Institutions & Insurance: 1/23/04, 2/4/04 [DPS].

Brief Summary of Substitute Bill

- Requires a seller of residential property to provide a buyer and a residential landlord to provide a tenant with written notice that information about registered sex offenders is available from local law enforcement agencies.

HOUSE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Schual-Berke, Chair; Simpson, G., Vice Chair; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes, Carrell, Cooper, Hatfield, Roach, Santos and Simpson, D..

Staff: Carrie Tellefson (786-7127).

Background:

Sex offender registration: Convicted sex offenders who are released into the community are required to register with the county sheriff in the jurisdiction where the offender resides. When registering, the offender must provide a variety of personal information, including his or her address, place of employment, Social Security number, conviction history, fingerprints, and a photograph.

Public agencies are authorized to release information to the public regarding sex offenders when the disclosure of such information is necessary in order to protect the public. County sheriffs, in particular, must publish information regarding certain classes of sex offenders so as to notify the public of their presence in the community. In addition, county sheriffs must maintain “ and make available to the public “ a database that includes the sex offender’s identity, neighborhood of residence, relevant convictions, physical description, and a photograph.

Seller’s disclosures: Sellers of residential real estate are required to make extensive written disclosures to buyers regarding the condition of the property, utility systems, hazardous conditions, legal restrictions, etc. These written disclosures must be in the form specified by statute.

Summary of Substitute Bill:

A seller of residential real estate must provide written notice to a buyer informing him or her that information about registered sex offenders living in the area may be obtained from local law enforcement agencies. This notice provision must be included in the seller’s disclosure statement. The seller and/or the real estate agent have no legal duty to provide the buyer with specific, substantive information regarding sex offenders who might be living in the neighborhood in which the property is located.

A landlord must provide notice to a tenant informing him or her that information about registered sex offenders living in the area may be obtained from local law enforcement agencies. This notice provision must be included in the applicant to rent form, residential lease agreement, or other rental agreement document. This provision applies to residential property, including mobile and manufactured homes. The landlord does not have a legal duty to provide the tenant with specific, substantive information regarding sex offenders who might be living in the neighborhood in which the property is located. A landlord who inadvertently fails to provide notice under this act may not be held liable for criminal activity by a registered sex offender on or near the rental property. The act applies only to purchases and/or leases entered into on or after the effective date of this act. Verbal month-to-month tenancies are exempt from the notice requirements of this act. The act will become effective January 1, 2005.

Substitute Bill Compared to Original Bill:

The landlord is authorized to provide notice earlier in the rental process, such as in the application to rent form. In addition, landlords who fail to provide notice are not liable for any criminal activity that may be perpetrated by a registered sex offender on or near the rental property. Verbal month-to-month tenancies are exempt from the notice requirements of this act. The act becomes effective January 1, 2005.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect on January 1, 2005.

Testimony For: (In support) People need more information about where they can find information about registered sex offenders so they can take steps to protect themselves. A woman in Renton knows that there are two level III sex offenders within blocks of their elementary school. Often you think there aren't many sex offenders in rural areas, but that's not true. Some rural counties have more sex offenders, per capita, than large cities. A girl in their neighborhood was viciously attacked by a level III sex offender in their neighborhood. Additional notice provisions regarding where to find this type of information will be helpful.

The realtors support the notice provisions of the bill that relate to realtors. The notice provision is reasonable and it is better because it can be included in the disclosure forms, which require the seller to provide accurate disclosure information about the home. They would like a delayed implementation date to 2005. These disclosure forms are used by all of the associations. The companies that make the forms need time to revise the form and to distribute them to the realtors associations that use them.

(With concerns) The rental housing association is neutral, with concerns. They are worried about liability issues. They are willing to not oppose the bill if the hold harmless provision includes a provision that they can't be held liable, as landlords, for criminal acts by registered sex offenders.

(Neutral) The Washington apartment association is neutral. They would also like the changes mentioned, including the delayed implementation date.

Testimony Against: None.

Persons Testifying: (In support) Rosemary Quesenberry, citizens; and Bob Mitchell, Washington Association of Realtors.

(Neutral w/concerns) John Woodring, Manufactured Housing Communities of Washington and Rental Housing Association of Puget Sound.

(Neutral) Mark Gjurasic, Washington Apartment Association.

Persons Signed In To Testify But Not Testifying: None.