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SENATE BILL 5553

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Mulliken, Oke, T. Sheldon and Stevens

Read first time 01/29/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to providing for the option for immediate eviction  
2 of tenants who are involved in criminal actions or unlawful civil  
3 disruptions; adding a new section to chapter 59.18 RCW; and creating a  
4 new section.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that under existing  
7 landlord tenant laws, persons who are renting or leasing properties, as  
8 well as their agencies and neighbors of the properties, do not have  
9 means to immediately evict tenants involved in criminal actions.

10           The legislature further finds that with the absence of an immediate  
11 legal means to remove disruptive tenants, the property owners, agents,  
12 and neighbors suffer significant losses in the property and quiet  
13 enjoyment of their residence. These losses continue when disruptive  
14 tenants are allowed to remain on the premises pending court action,  
15 under existing unlawful detainer law.

16           The legislature intends to protect property owners, agents, and  
17 neighbors from further mental anguish, threats, physical harm, and  
18 financial loss by providing for the immediate eviction of persons  
19 participating in criminal actions or unlawful civil disruptions.

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

3        (1) A landlord or neighbor petitioner, with supporting evidence and  
4 documentation, may request a court having jurisdiction to authorize the  
5 immediate eviction of a tenant, if the tenant has:

6            (a) Misbranded drugs by misleading representation under RCW  
7 69.04.530;

8            (b) Possessed drugs in violation of the uniform controlled  
9 substances act, chapter 69.50 RCW;

10           (c) Committed a violation involving methamphetamine under RCW  
11 69.50.401 or 69.50.440;

12           (d) Committed malicious destruction under RCW 43.06.230;

13           (e) Possessed stolen property as defined in RCW 9A.56.140;

14           (f) Committed acts of domestic violence as defined in RCW  
15 26.50.010;

16           (g) Committed a violation under chapter 9.61 RCW; or

17           (h) Committed a public disturbance under chapter 9A.84 RCW.

18        (2)(a) Following a request under subsection (1) of this section, a  
19 court shall convene a hearing attended by the tenant and petitioner to  
20 determine whether the tenant should be immediately removed from the  
21 property. The court may request attendance of a social services agency  
22 for temporary relocation assistance. The court may issue a writ of  
23 restitution for the eviction of the tenant.

24           (b) Persons giving false statements or testimony may be prosecuted  
25 by law under RCW 9.72.090 and 5.28.060.

26        (3)(a) Upon eviction, the tenant as well as all persons and animals  
27 living with the tenant must be permanently removed from the premises,  
28 except that a cotenant shall not be removed or evicted if:

29           (i) The cotenant is a victim of domestic violence that is the basis  
30 for the proceeding; or

31           (ii) The cotenant did not know of and could not reasonably have  
32 known of, or could not reasonably have prevented the commission of the  
33 act that is the basis for the proceeding.

34           (b) Personal property must be retrieved within three days,  
35 accompanied by a judicial representative.

36        (4)(a) The eviction and writ of restitution must take place on the  
37 same day signed by the court. If scheduling does not permit for issue

1 of the writ of eviction and writ of restitution the same day, the writs  
2 must be served by noon the following day.

3 (b) To enforce the court-ordered eviction, the petitioner must be  
4 accompanied by the sheriff.

5 (5) Nothing in this section shall be construed to reduce the  
6 requirements of the landlord or owner having to post a bond under RCW  
7 59.12.090.

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