
SUBSTITUTE HOUSE BILL 1800

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lovick, Warnick, Grant, Crouse, Kessler, Rolfes and Moeller)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to tenants of real property; and amending RCW
2 59.18.130 and 59.12.030.

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

4 **Sec. 1.** RCW 59.18.130 and 1998 c 276 s 2 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
15 manner at reasonable and regular intervals, and assume all costs of
16 extermination and fumigation for infestation caused by the tenant;

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

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

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

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

14 (7) Maintain the smoke detection device in accordance with the
15 manufacturer's recommendations, including the replacement of batteries
16 where required for the proper operation of the smoke detection device,
17 as required in RCW (~~(48.48.140(3))~~) 43.44.110;

18 (8) Not engage in any activity at the rental premises that is:

19 (a) Imminently hazardous to the physical safety of other persons on
20 the premises; and

21 (b)(i) Entails physical assaults upon another person which result
22 in an arrest; or

23 (ii) Entails the unlawful use of a firearm or other deadly weapon
24 as defined in RCW 9A.04.110 which results in an arrest, including
25 threatening another tenant or the landlord with a firearm or other
26 deadly weapon under RCW 59.18.352. Nothing in this subsection (8)
27 shall authorize the termination of tenancy and eviction of the victim
28 of a physical assault or the victim of the use or threatened use of a
29 firearm or other deadly weapon;

30 (9) Not engage in any gang-related activity at the premises, as
31 defined in RCW 59.18.030, or allow another to engage in such activity
32 at the premises, that renders people in at least two or more dwelling
33 units or residences insecure in life or the use of property or that
34 injures or endangers the safety or health of people in at least two or
35 more dwelling units or residences. In determining whether a tenant is
36 engaged in gang-related activity, a court should consider the totality
37 of the circumstances, including factors such as whether there have been
38 a significant number of complaints to the landlord about the tenant's

1 activities at the property, damages done by the tenant to the property,
2 including the property of other tenants or neighbors, harassment or
3 threats made by the tenant to other tenants or neighbors that have been
4 reported to law enforcement agencies, any police incident reports
5 involving the tenant, and the tenant's criminal history; (~~and~~)

6 (10) Upon termination and vacation, restore the premises to their
7 initial condition except for reasonable wear and tear or conditions
8 caused by failure of the landlord to comply with his or her obligations
9 under this chapter: PROVIDED, That the tenant shall not be charged for
10 normal cleaning if he or she has paid a nonrefundable cleaning fee; and

11 (11) Not knowingly provide false, inaccurate, or misleading
12 information during application process for tenancy.

13 **Sec. 2.** RCW 59.12.030 and 1998 c 276 s 6 are each amended to read
14 as follows:

15 A tenant of real property for a term less than life is guilty of
16 unlawful detainer either:

17 (1) When he or she holds over or continues in possession, in person
18 or by subtenant, of the property or any part thereof after the
19 expiration of the term for which it is let to him or her. When real
20 property is leased for a specified term or period by express or implied
21 contract, whether written or oral, the tenancy shall be terminated
22 without notice at the expiration of the specified term or period;

23 (2) When he or she, having leased property for an indefinite time
24 with monthly or other periodic rent reserved, continues in possession
25 thereof, in person or by subtenant, after the end of any such month or
26 period, when the landlord, more than twenty days prior to the end of
27 such month or period, has served notice (in manner in RCW 59.12.040
28 provided) requiring him or her to quit the premises at the expiration
29 of such month or period;

30 (3) When he or she continues in possession in person or by
31 subtenant after a default in the payment of rent, and after notice in
32 writing requiring in the alternative the payment of the rent or the
33 surrender of the detained premises, served (in manner in RCW 59.12.040
34 provided) in behalf of the person entitled to the rent upon the person
35 owing it, has remained uncomplied with for the period of three days
36 after service thereof. The notice may be served at any time after the
37 rent becomes due;

1 (4) When he or she continues in possession in person or by
2 subtenant after a neglect or failure to keep or perform any other
3 condition or covenant of the lease or agreement under which the
4 property is held, including any covenant not to assign or sublet, than
5 one for the payment of rent, and after notice in writing requiring in
6 the alternative the performance of such condition or covenant or the
7 surrender of the property, served (in manner in RCW 59.12.040 provided)
8 upon him or her, and if there is a subtenant in actual possession of
9 the premises, also upon such subtenant, shall remain uncomplished with
10 for ten days after service thereof. Within ten days after the service
11 of such notice the tenant, or any subtenant in actual occupation of the
12 premises, or any mortgagee of the term, or other person interested in
13 its continuance, may perform such condition or covenant and thereby
14 save the lease from such forfeiture;

15 (5) When he or she commits or permits waste upon the demised
16 premises, or when he or she sets up or carries on thereon any unlawful
17 business, or when he or she erects, suffers, permits, or maintains on
18 or about the premises any nuisance, and remains in possession after the
19 service (in manner in RCW 59.12.040 provided) upon him or her of three
20 days' notice to quit;

21 (6) A person who, without the permission of the owner and without
22 having color of title thereto, enters upon land of another and who
23 fails or refuses to remove therefrom after three days' notice, in
24 writing and served upon him or her in the manner provided in RCW
25 59.12.040. Such person may also be subject to the criminal provisions
26 of chapter 9A.52 RCW; ((~~or~~))

27 (7) When he or she commits or permits any gang-related activity at
28 the premises as prohibited by RCW 59.18.130; or

29 (8) When the tenant continues in possession in person or by
30 subtenant after the landlord or owner discovered that the tenant
31 knowingly provided false, inaccurate, or misleading information in the
32 application for tenancy that induced the landlord or owner to approve
33 the tenancy and, within forty-five days of the discovery or before the
34 end of one year from the time the landlord or owner approved the
35 tenancy, whichever is sooner, the landlord or owner served the tenant
36 in the manner provided in RCW 59.12.040 with a ten-day written notice

1 to quit the premises.

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