

CERTIFICATION OF ENROLLMENT  
**SECOND ENGROSSED SUBSTITUTE SENATE BILL 5742**

61st Legislature  
2010 Regular Session

Passed by the Senate March 8, 2010  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House February 28, 2010  
YEAS 95 NAYS 1

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE SENATE BILL 5742** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SECOND ENGROSSED SUBSTITUTE SENATE BILL 5742**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler, and Hatfield)

READ FIRST TIME 02/25/09.

1            AN ACT Relating to crime-free rental housing; and adding a new  
2 chapter to Title 35 RCW.

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

4            NEW SECTION.        **Sec. 1.**        The legislature finds that local  
5 governments, landlords, and tenants working together to provide crime-  
6 free rental housing is beneficial to the public health, safety, and  
7 welfare. The legislature is also concerned about activities and  
8 provisions that serve to bar a person with a criminal history from  
9 obtaining viable housing regardless of other factors that may indicate  
10 rental stability, such as employment, rental references, or time in the  
11 community with no further criminal activity. It is therefore the  
12 intent of this act to provide certain requirements that a local  
13 government must follow in adopting a crime-free rental housing program.

14            NEW SECTION.        **Sec. 2.**        The definitions in this section apply  
15 throughout this chapter unless the context clearly requires otherwise.

16            (1) "Crime-free rental housing program" means a crime prevention  
17 program designed to reduce crime, drugs, and gangs on rental housing  
18 premises under the supervision of the local police department or a

1 crime prevention officer. The program may include, but is not limited  
2 to: Property management and crime prevention training classes; crime  
3 prevention through environmental design surveys; and community  
4 awareness training.

5 (2) "Criminal activity" means a criminal act defined by statute or  
6 ordinance that threatens the health, safety, or welfare of the tenants,  
7 owner, guests, occupants, or property manager.

8 (3) "Local government" means any city, code city, town, or county.

9 (4) "Premises" has the same meaning as in RCW 59.18.030.

10 (5) "Rental housing" means any tenancy subject to chapter 59.12,  
11 59.18, or 59.20 RCW.

12 NEW SECTION. **Sec. 3.** (1)(a) Except as provided in (b) of this  
13 subsection, a local government may adopt and implement a crime-free  
14 rental housing program within its jurisdiction in accordance with this  
15 chapter.

16 (b) A crime-free rental housing program adopted and implemented by  
17 a county is applicable only to unincorporated areas of the county.

18 (2) Except as provided in subsection (3) of this section, a crime-  
19 free rental housing program must be voluntary.

20 (3)(a) A local government may require a landlord to participate in  
21 a crime-free rental housing program upon exceeding a reasonable  
22 threshold of instances of criminal activity on the premises if the  
23 landlord has not made a good faith effort to deter the criminal  
24 activity.

25 (b) A good faith effort may include, but is not limited to:

26 (i) Service of notice on the tenant to comply or quit as allowed by  
27 law or the commencement of an unlawful detainer action against the  
28 tenant; and

29 (ii) Attendance and completion of a landlord training program  
30 approved by the local government.

31 (4)(a) As a prerequisite to subsection (3) of this section, upon  
32 the occurrence of criminal activity on the premises, the local police  
33 department must send a notice to the landlord setting forth the  
34 following:

35 (i) The date and location of the occurrence;

36 (ii) The nature of the occurrence; and

37 (iii) The name of the person who engaged in the occurrence.

1 (b) Notice is deemed properly delivered when it is either served  
2 upon the landlord or a property manager of the rental property, or is  
3 delivered by first-class mail to the last known address of the  
4 landlord.

5 (5) This section does not prevent a local government from charging  
6 a fee for participation in a crime-free rental housing program.

7 (6) This section does not affect a local government's authority to  
8 enforce existing law in regard to rental housing, except in regard to  
9 a crime-free rental housing program.

10 NEW SECTION. **Sec. 4.** A crime-free rental housing program may not  
11 prohibit a landlord from hiring or renting to a person solely because  
12 of the person's criminal history.

13 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2) of  
14 this section, this chapter supersedes and preempts all rules,  
15 regulations, codes, statutes, or ordinances of all local governments  
16 regarding the same subject matter. The state preemption created in  
17 this section applies to all rules, regulations, codes, statutes, and  
18 ordinances pertaining to crime-free rental housing programs at any  
19 time.

20 (2) Section 3 of this act does not apply to rules, regulations,  
21 codes, statutes, or ordinances adopted by local governments prior to  
22 July 1, 2010, except as required by an order issued by a court of  
23 competent jurisdiction pursuant to litigation regarding the rules,  
24 regulations, codes, statutes, or ordinances.

25 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute  
26 a new chapter in Title 35 RCW.

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