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HOUSE BILL 2934

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Alexander and DeBolt

Read first time . Referred to Committee on .

1            AN ACT Relating to high risk sex offenders as tenants; amending RCW  
2 59.18.257; adding new sections to chapter 59.18 RCW; adding a new  
3 section to chapter 9A.44 RCW; and prescribing penalties.

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

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

7            A prospective tenant shall disclose his or her status as a  
8 registered sex offender who is classified as risk level III in any  
9 tenant application provided by a tenant screening service or a  
10 landlord. Failure to comply with this section is a misdemeanor.

11           NEW SECTION.    **Sec. 2.** A new section is added to chapter 9A.44 RCW  
12 to read as follows:

13           Each county sheriff shall notify in writing every person  
14 registering with him or her under RCW 9A.44.130 of the requirements of  
15 section 1 of this act at the time the person registers with the county  
16 sheriff and shall obtain written acknowledgment of the notification.

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

3        A landlord, upon obtaining information provided under RCW 4.24.550,  
4 including the county sheriff's published list or web site, or otherwise  
5 discovering that a prospective tenant or tenant is, in fact, a  
6 registered sex offender who is classified as risk level III, may refuse  
7 tenancy to the prospective tenant or immediately evict the tenant after  
8 serving the tenant with a written notice to vacate. A tenant who is  
9 evicted under this section has twenty-four hours to vacate the  
10 premises. Any property of a tenant that remains on the premises longer  
11 than twenty-four hours after the tenant receives a written notice to  
12 vacate under this section shall be considered abandoned property. A  
13 landlord is immune from liability for any injuries, damages, or harm  
14 resulting from any offense committed by the prospective tenant or  
15 tenant.

16        **Sec. 4.**    RCW 59.18.257 and 1991 c 194 s 3 are each amended to read  
17 as follows:

18        (1) If a landlord uses a tenant screening service, then the  
19 landlord may only charge for the costs incurred for using the tenant  
20 screening service under this section. If a landlord conducts his or  
21 her own screening of tenants, then the landlord may charge his or her  
22 actual costs in obtaining the background information, but the amount  
23 may not exceed the customary costs charged by a screening service in  
24 the general area. The landlord's actual costs include costs incurred  
25 for long distance phone calls and for time spent calling landlords,  
26 employers, and financial institutions.

27        (2) A landlord may not charge a prospective tenant for the cost of  
28 obtaining background information under this section unless the landlord  
29 first notifies the prospective tenant in writing of what a tenant  
30 screening entails, the prospective tenant's rights to dispute the  
31 accuracy of information provided by the tenant screening service or  
32 provided by the entities listed on the tenant application who will be  
33 contacted for information concerning the tenant, and the name and  
34 address of the tenant screening service used by the landlord.

35        (3) Nothing in this section requires a landlord to disclose  
36 information to a prospective tenant that was obtained from a tenant  
37 screening service or from entities listed on the tenant application

1 which is not required under the federal fair credit reporting act, 15  
2 U.S.C. Sec. 1681 et seq.

3 (4) If a prospective tenant or tenant omits or falsifies material  
4 information on a rental application that, if known, would have  
5 disqualified the prospective tenant or tenant from consideration for  
6 tenancy, the landlord may recover from the prospective tenant or tenant  
7 a fee not to exceed the actual cost to the landlord of obtaining the  
8 background information.

9 (5) Any landlord, prospective tenant, or tenant who violates this  
10 section may be liable to the (~~prospective tenant~~) other party for an  
11 amount not to exceed one hundred dollars. The prevailing party may  
12 also recover court costs and reasonable attorneys' fees.

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