
SENATE BILL 5898

State of Washington 57th Legislature 2001 Regular Session

By Senators Prentice, Fairley, Costa and Kohl-Welles

Read first time 02/07/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to cause for eviction under the landlord-tenant
2 act; and amending RCW 59.18.180.

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

4 **Sec. 1.** RCW 59.18.180 and 1998 c 276 s 3 are each amended to read
5 as follows:

6 ~~(1) ((If the tenant fails to comply with any portion of RCW
7 59.18.130 or 59.18.140, and such noncompliance can substantially affect
8 the health and safety of the tenant or other tenants, or substantially
9 increase the hazards of fire or accident that can be remedied by
10 repair, replacement of a damaged item, or cleaning, the tenant shall
11 comply within thirty days after written notice by the landlord
12 specifying the noncompliance, or, in the case of emergency as promptly
13 as conditions require. If the tenant fails to remedy the noncompliance
14 within that period the landlord may enter the dwelling unit and cause
15 the work to be done and submit an itemized bill of the actual and
16 reasonable cost of repair, to be payable on the next date when periodic
17 rent is due, or on terms mutually agreed to by the landlord and tenant,
18 or immediately if the rental agreement has terminated. Any substantial
19 noncompliance by the tenant of RCW 59.18.130 or 59.18.140 shall~~

1 ~~constitute a ground for commencing an action in unlawful detainer in~~
2 ~~accordance with the provisions of chapter 59.12 RCW, and a landlord may~~
3 ~~commence such action at any time after written notice pursuant to such~~
4 ~~chapter.)) A landlord shall not terminate or fail to renew a tenancy of
5 a tenant or the occupancy of an occupant, of whatever duration, except
6 for one or more of the following reasons:~~

7 (a) Substantial violation, or repeated or periodic violations, of
8 the rental agreement, as established by the landlord at the inception
9 of the tenancy or as assumed subsequently with the consent of the
10 tenant, or for violation of the tenant's duties as provided in RCW
11 59.18.130. The tenant must be given written notice to cease the
12 violation immediately. The notice must state that failure to cease the
13 violation or any subsequent violation of that or any other term of the
14 lease will result in termination of the tenancy, and that the tenant
15 shall vacate the premises within fifteen days. For a periodic
16 violation, the notice must also specify that repetition of the same
17 violation will result in termination;

18 (b) Nonpayment of rent or other charges specified in the rental
19 agreement, upon five days' written notice to pay rent and/or other
20 charges or to vacate;

21 (c) Conviction of the tenant of a crime, commission of which
22 threatens the health, safety, or welfare of the other tenants. The
23 tenant must be given written notice of a fifteen-day period in which to
24 vacate;

25 (d) Engaging in criminal activity. "Criminal activity" means a
26 criminal act defined by statute or ordinance that threatens the health,
27 safety, or welfare of the tenants. A landlord seeking to evict a
28 tenant or occupant under this subsection need not produce evidence of
29 a criminal conviction even if the alleged misconduct constitutes a
30 criminal offense. Notice from a law enforcement agency of criminal
31 activity constitutes sufficient grounds, but not the only grounds, for
32 an eviction under this subsection. Notification of the seizure of
33 illegal drugs under RCW 59.20.155 is evidence of criminal activity and
34 is grounds for an eviction under this subsection. The requirement that
35 any tenant or occupant register as a sex offender under RCW 9A.44.130
36 is grounds for eviction under this subsection. If criminal activity is
37 alleged to be a basis of termination, the landlord may proceed directly
38 to an unlawful detainer action;

1 (e) The tenant's application for tenancy contained a material
2 misstatement that induced the landlord to approve the tenant, and the
3 landlord discovers and acts upon the misstatement within one year of
4 the time the resident began paying rent;

5 (f) If the landlord serves a tenant three fifteen-day notices
6 within a twelve-month period to comply or vacate for failure to comply
7 with the material terms of the rental agreement. The applicable
8 twelve-month period commences on the date of the first violation;

9 (g) The tenant engages in disorderly or substantially annoying
10 conduct upon the premises that results in the destruction of the rights
11 of others to the peaceful enjoyment and use of the premises. The
12 landlord shall give the tenant written notice to comply immediately.
13 The notice must state that failure to comply will result in termination
14 of the tenancy, and that the tenant shall vacate the premises within
15 fifteen days;

16 (h) The tenant creates a nuisance that materially affects the
17 health, safety, and welfare of other residents. The landlord shall
18 give the tenant written notice to cease the conduct that constitutes a
19 nuisance immediately. The notice must state that failure to cease the
20 conduct will result in termination of the tenancy, and that the tenant
21 shall vacate the premises in five days;

22 (i) Any other substantial, just cause that materially affects the
23 health, safety, and welfare of other tenants. The landlord shall give
24 the tenant written notice to comply immediately. The notice must state
25 that failure to comply will result in termination of the tenancy, and
26 that the tenant shall vacate the premises within fifteen days; or

27 (j) Failure to pay rent by the due date provided for in the rental
28 agreement three or more times in a twelve-month period, commencing with
29 the date of the first violation, after service of a five-day notice to
30 comply or vacate.

31 (2) The tenant shall have a defense to an unlawful detainer action
32 filed solely ~~((on))~~ under this ~~((ground))~~ section if it is determined
33 at the hearing authorized under the provisions of chapter 59.12 RCW
34 that the tenant is in substantial compliance with the provisions of
35 this section, or if the tenant remedies the noncomplying condition
36 within the ~~((thirty-day))~~ applicable time period provided for above or
37 any shorter period determined at the hearing to have been required
38 because of an emergency: PROVIDED, That if the defective condition is
39 remedied after the commencement of an unlawful detainer action, the

1 tenant may be liable to the landlord for statutory costs and reasonable
2 attorney's fees.

3 ~~((+2))~~ (3) If drug-related activity is alleged to be a basis for
4 termination of tenancy under RCW 59.18.130(6), 59.12.030(5), or
5 59.20.140(5), the compliance provisions of this section do not apply
6 and the landlord may proceed directly to an unlawful detainer action.

7 ~~((+3))~~ (4) If activity on the premises that creates an imminent
8 hazard to the physical safety of other persons on the premises as
9 defined in RCW 59.18.130(8) is alleged to be the basis for termination
10 of the tenancy, and the tenant is arrested as a result of this
11 activity, then the compliance provisions of this section do not apply
12 and the landlord may proceed directly to an unlawful detainer action
13 against the tenant who was arrested for this activity.

14 ~~((+4))~~ (5) If gang-related activity, as prohibited under RCW
15 59.18.130(9), is alleged to be the basis for termination of the
16 tenancy, then the compliance provisions of this section do not apply
17 and the landlord may proceed directly to an unlawful detainer action in
18 accordance with chapter 59.12 RCW, and a landlord may commence such an
19 action at any time after written notice under chapter 59.12 RCW.

20 ~~((+5))~~ (6) A landlord may not be held liable in any cause of
21 action for bringing an unlawful detainer action against a tenant for
22 drug-related activity, for creating an imminent hazard to the physical
23 safety of others, or for engaging in gang-related activity that renders
24 people in at least two or more dwelling units or residences insecure in
25 life or the use of property or that injures or endangers the safety or
26 health of people in at least two or more dwelling units or residences
27 under this section, if the unlawful detainer action was brought in good
28 faith. Nothing in this section shall affect a landlord's liability
29 under RCW 59.18.380 to pay all damages sustained by the tenant should
30 the writ of restitution be wrongfully sued out.

--- END ---