

ESHB 2414 - S AMD 212
By Senator Fairley

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 59.18.075 and 1992 c 38 s 4 are each amended to read
4 as follows:

5 (1) Any law enforcement agency which seizes a legend drug pursuant
6 to a violation of chapter 69.41 RCW, a controlled substance pursuant to
7 a violation of chapter 69.50 RCW, or an imitation controlled substance
8 pursuant to a violation of chapter 69.52 RCW, shall make a reasonable
9 attempt to discover the identity of the landlord and shall notify the
10 landlord in writing, at the last address listed in the property tax
11 records and at any other address known to the law enforcement agency,
12 of the seizure and the location of the seizure of the illegal drugs or
13 substances.

14 (2) Any law enforcement agency which arrests a tenant for
15 threatening another tenant with a firearm or other deadly weapon, or
16 for some other unlawful use of a firearm or other deadly weapon on the
17 rental premises, or for physically assaulting another person on the
18 rental premises, shall make a reasonable attempt to discover the
19 identity of the landlord and notify the landlord about the arrest in
20 writing, at the last address listed in the property tax records and at
21 any other address known to the law enforcement agency.

22 (3)(a) A law enforcement agency that has probable cause to believe
23 that a tenant or other occupant of a rental unit has committed a
24 criminal street gang-related offense as defined in RCW 9.94A.030 shall
25 make a reasonable attempt to discover the identity of the landlord and
26 notify the landlord in writing, at the last address listed in the
27 property tax records and at any other address known to the law
28 enforcement agency, of the criminal street gang-related offense on the
29 rental premises.

1 (b) For the purposes of this subsection, the law enforcement agency
2 shall include the following information with the notice:

3 (i) The name of the tenant and the individual or individuals who
4 were involved in the criminal street gang-related offense;

5 (ii) The rental unit where the incident occurred;

6 (iii) The date of the incident;

7 (iv) Actions taken by the law enforcement agency in response to the
8 incident;

9 (v) A statement outlining the authority of a landlord under chapter
10 59.12 RCW to commence an unlawful detainer action against a tenant who
11 has committed or permitted gang-related activity at the premises; and

12 (vi) Penalties the landlord may face for failure to abate a
13 nuisance.

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

16 (1) "Building" includes, but is not limited to, any structure or
17 separate part or portion thereof, whether permanent or not, or the
18 ground itself.

19 (2) "Criminal street gang activity" means a pattern of criminal
20 street gang activity as defined in RCW 9.94A.030.

21 NEW SECTION. Sec. 3. Every building or unit within a building
22 used for the purpose of aiding, promoting, or conducting criminal
23 street gang activity is a nuisance that must be enjoined, abated, and
24 prevented, whether it is a public or private nuisance. In a multiunit
25 building, only the offending unit may be declared a nuisance, and only
26 the offending unit must be enjoined, abated, and prevented. Nothing in
27 this chapter applies to property used for the purpose of, or activity
28 involved in, providing health services, food and financial assistance,
29 treatment, counseling, training, religious services, education, civic
30 involvement, or any social service or charitable assistance.

31 NEW SECTION. Sec. 4. (1) Any person who resides, works in, or
32 owns property in the same multifamily building, apartment complex, or
33 within a one-block radius of the property where the nuisance is alleged
34 to exist may bring an action under this chapter by filing a complaint

1 in the county superior court in which the property is located alleging
2 the facts constituting the nuisance. The action may also be brought by
3 any public agency.

4 (2) Any complaint filed under this chapter must be verified or
5 accompanied by an affidavit. A copy of the complaint and affidavit
6 must be served on the occupant and the owner of the property according
7 to the rules of civil procedure. In addition to showing that the
8 occupant and the owner or his or her agent has had an opportunity to
9 abate the nuisance, the affidavit must contain a description of all
10 attempts by the applicant to notify and locate the occupant and the
11 owner of the property or the owner's agent, including at least one
12 attempt to notify the occupant and the owner or owner's agent by
13 registered mail.

14 (3) The affidavit filed under subsection (2) of this section must
15 describe in detail the adverse impact associated with the property on
16 the surrounding neighborhood. For the purposes of this chapter,
17 "adverse impact" includes, but is not limited to, the following:
18 Seizure of property pursuant to search warrants issued as a result of
19 criminal street gang activity; recent arrests of persons who frequent
20 the property for purposes of criminal street gang activity; a recent
21 increase in the number of complaints made to law enforcement of illegal
22 activity associated with the property which result in arrests for
23 criminal street gang activity; and recent increases in arrests for
24 weapons violations of persons who frequent the property.

25 (4) Upon receipt of the complaint filed under this chapter, the
26 court shall grant a hearing as soon as practicable.

27 NEW SECTION. **Sec. 5.** (1) If the complaint under this chapter is
28 filed by a citizen, the complaint may not be dismissed by the citizen
29 for want of prosecution except upon a sworn statement made by the
30 citizen and the citizen's attorney, if the citizen has one. The
31 statement must set forth the reasons why the action should be
32 dismissed. The case may only be dismissed if so ordered by the court.

33 (2) In case of failure to prosecute the action with reasonable
34 diligence, or at the request of the plaintiff, the court may substitute
35 any other citizen consenting to be substituted for the plaintiff.

1 NEW SECTION. **Sec. 6.** A copy of the complaint, together with a
2 notice of the time and place of the hearing of the action, must be
3 served upon the occupant and the owner at least six business days
4 before the hearing.

5 NEW SECTION. **Sec. 7.** (1) Except as provided in subsection (2) of
6 this section, if the existence of the nuisance is established in the
7 action, an order of abatement must be entered as part of the final
8 judgment in the case. The plaintiff's costs in the action, including
9 those of abatement, are a lien upon the building or unit within a
10 building to the extent of the owner's interest. The lien must be filed
11 as a judgment summary stating the name of the owner and the legal
12 description of the real property. The lien must be recorded and
13 enforced as a judgment summary.

14 (2) If the court finds and concludes that the occupant or the owner
15 of the building or unit within a building:

16 (a) Had no knowledge of the existence of the nuisance, or was not
17 provided adequate notice under RCW 59.18.075 of the occurrence of a
18 criminal street gang-related offense at the rental unit, or has been
19 making reasonable efforts to abate the nuisance;

20 (b) Has not been guilty of any contempt of court in the
21 proceedings; and

22 (c) Will immediately make reasonable efforts to abate any such
23 nuisance that may exist at the building or unit within a building and
24 prevent it from being a nuisance within a period of one year
25 thereafter, the court shall, if satisfied with the occupant's or the
26 owner's good faith, order the building or unit within a building to be
27 delivered to the occupant or the owner, and no order of abatement may
28 be entered. If an order of abatement has been entered and the occupant
29 or the owner subsequently meets the requirements of this subsection,
30 the order of abatement must be canceled.

31 (3) For the purposes of determining whether the occupant or owner
32 of the building or unit within a building made reasonable efforts to
33 abate the nuisance, the court shall consider such factors as whether
34 the occupant or owner:

35 (a) Terminated or attempted to terminate the tenancy or lease of a
36 tenant or leaseholder where the nuisance is occurring if the tenant or
37 leaseholder is involved in the criminal street gang activity;

1 (b) Placed restrictions on the rental agreement or lease;

2 (c) Adopted feasible measures on the property to try to prevent the
3 criminal street gang activity;

4 (d) Cooperated with law enforcement to attempt to stop the criminal
5 street gang activity; and

6 (e) Made other efforts the court finds relevant.

7 (4) If the court finds there is insufficient evidence to establish
8 the existence of the nuisance, the court may order the person or public
9 agency who filed the complaint to pay the occupant and the owner their
10 reasonable attorneys' fees and costs to defend the action, any loss of
11 rent or revenue experienced as a result of the action, restraining
12 order, or preliminary injunction, and damages up to five hundred
13 dollars each.

14 NEW SECTION. **Sec. 8.** Any final order of abatement issued under
15 this chapter must:

16 (1) Direct the removal of all personal property subject to seizure
17 and forfeiture under RCW 69.50.505 or other law from the building or
18 unit within a building, and direct the commencement of proceedings to
19 forfeit the property under the forfeiture provisions of RCW 69.50.505
20 or other law;

21 (2) If the building or unit is not subject to the interests of
22 innocent occupants or innocent legal owners, provide for the immediate
23 closure of the building or unit within a building against its use for
24 any purpose, and for keeping it closed for a period of one year unless
25 released sooner as provided in this chapter; and

26 (3) State that while the order of abatement remains in effect the
27 building or unit within a building must remain in the custody of the
28 court.

29 NEW SECTION. **Sec. 9.** (1) In all actions brought under this
30 chapter, the proceeds and all moneys forfeited under the forfeiture
31 provisions of RCW 69.50.505 or other law must be applied as follows:

32 (a) First, to the fees and costs of the removal and sale;

33 (b) Second, to the allowances and costs of closing and keeping
34 closed the building or unit within a building;

35 (c) Third, to the payment of the plaintiff's costs in the action;
36 and

1 (d) Fourth, the balance, if any, to the owner of the forfeited
2 property.

3 (2)(a) Except as provided in (b) of this subsection, if the
4 proceeds of the sale of items subject to seizure and forfeiture do not
5 fully discharge all of the costs, fees, and allowances, the building or
6 unit within a building must be sold under execution issued upon the
7 order of the court, and the proceeds of the sale must be applied in a
8 like manner.

9 (b) A building or unit within a building may not be sold under this
10 section unless the court finds and concludes by clear and convincing
11 evidence that the owner of the building or unit within a building had
12 knowledge or notice of the existence of the nuisance. However, this
13 subsection may not be construed as limiting or prohibiting the entry of
14 any final order of abatement as provided in this chapter.

15 NEW SECTION. **Sec. 10.** Whenever the owner of a building or unit
16 within a building has been found in contempt of court and fined in any
17 proceedings under this chapter, the fine is a lien upon the building or
18 unit within a building to the extent of the owner's interest. The lien
19 must be filed as a judgment summary stating the name of the owner and
20 the legal description of the real property. The lien must be recorded
21 and enforced as a judgment summary.

22 NEW SECTION. **Sec. 11.** The abatement of a nuisance under this
23 chapter does not prejudice the right of any person to recover damages
24 for its past existence.

25 **Sec. 12.** RCW 59.12.030 and 1998 c 276 s 6 are each amended to read
26 as follows:

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

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

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

8 (3) When he or she continues in possession in person or by
9 subtenant after a default in the payment of rent, and after notice in
10 writing requiring in the alternative the payment of the rent or the
11 surrender of the detained premises, served (in manner in RCW 59.12.040
12 provided) in behalf of the person entitled to the rent upon the person
13 owing it, has remained uncomplied with for the period of three days
14 after service thereof. The notice may be served at any time after the
15 rent becomes due;

16 (4) When he or she continues in possession in person or by
17 subtenant after a neglect or failure to keep or perform any other
18 condition or covenant of the lease or agreement under which the
19 property is held, including any covenant not to assign or sublet, than
20 one for the payment of rent, and after notice in writing requiring in
21 the alternative the performance of such condition or covenant or the
22 surrender of the property, served (in manner in RCW 59.12.040 provided)
23 upon him or her, and if there is a subtenant in actual possession of
24 the premises, also upon such subtenant, shall remain uncomplied with
25 for ten days after service thereof. Within ten days after the service
26 of such notice the tenant, or any subtenant in actual occupation of the
27 premises, or any mortgagee of the term, or other person interested in
28 its continuance, may perform such condition or covenant and thereby
29 save the lease from such forfeiture;

30 (5) When he or she commits or permits waste upon the demised
31 premises, or when he or she sets up or carries on thereon any unlawful
32 business, or when he or she erects, suffers, permits, or maintains on
33 or about the premises any nuisance, to include criminal street gang
34 activity under RCW 9.94A.030, and remains in possession after the
35 service (in manner in RCW 59.12.040 provided) upon him or her of three
36 days' notice to quit;

37 (6) A person who, without the permission of the owner and without
38 having color of title thereto, enters upon land of another and who

1 fails or refuses to remove therefrom after three days' notice, in
2 writing and served upon him or her in the manner provided in RCW
3 59.12.040. Such person may also be subject to the criminal provisions
4 of chapter 9A.52 RCW; or

5 (7) When he or she commits or permits any gang-related activity at
6 the premises as prohibited by RCW 59.18.130.

7 **Sec. 13.** RCW 59.20.080 and 2003 c 127 s 4 are each amended to read
8 as follows:

9 (1) A landlord shall not terminate or fail to renew a tenancy of a
10 tenant or the occupancy of an occupant, of whatever duration except for
11 one or more of the following reasons:

12 (a) Substantial violation, or repeated or periodic violations of
13 the rules of the mobile home park as established by the landlord at the
14 inception of the tenancy or as assumed subsequently with the consent of
15 the tenant or for violation of the tenant's duties as provided in RCW
16 59.20.140. The tenant shall be given written notice to cease the rule
17 violation immediately. The notice shall state that failure to cease
18 the violation of the rule or any subsequent violation of that or any
19 other rule shall result in termination of the tenancy, and that the
20 tenant shall vacate the premises within fifteen days: PROVIDED, That
21 for a periodic violation the notice shall also specify that repetition
22 of the same violation shall result in termination: PROVIDED FURTHER,
23 That in the case of a violation of a "material change" in park rules
24 with respect to pets, tenants with minor children living with them, or
25 recreational facilities, the tenant shall be given written notice under
26 this chapter of a six month period in which to comply or vacate;

27 (b) Nonpayment of rent or other charges specified in the rental
28 agreement, upon five days written notice to pay rent and/or other
29 charges or to vacate;

30 (c) Conviction of the tenant of a crime, commission of which
31 threatens the health, safety, or welfare of the other mobile home park
32 tenants. The tenant shall be given written notice of a fifteen day
33 period in which to vacate;

34 (d) Failure of the tenant to comply with local ordinances and state
35 laws and regulations relating to mobile homes, manufactured homes, or
36 park models or mobile home, manufactured homes, or park model living

1 within a reasonable time after the tenant's receipt of notice of such
2 noncompliance from the appropriate governmental agency;

3 (e) Change of land use of the mobile home park including, but not
4 limited to, conversion to a use other than for mobile homes,
5 manufactured homes, or park models or conversion of the mobile home
6 park to a mobile home park cooperative or mobile home park subdivision:
7 PROVIDED, That the landlord shall give the tenants twelve months'
8 notice in advance of the effective date of such change, except that for
9 the period of six months following April 28, 1989, the landlord shall
10 give the tenants eighteen months' notice in advance of the proposed
11 effective date of such change;

12 (f) Engaging in "criminal activity." "Criminal activity" means a
13 criminal act defined by statute or ordinance that threatens the health,
14 safety, or welfare of the tenants. A park owner seeking to evict a
15 tenant or occupant under this subsection need not produce evidence of
16 a criminal conviction, even if the alleged misconduct constitutes a
17 criminal offense. Notice from a law enforcement agency of criminal
18 activity constitutes sufficient grounds, but not the only grounds, for
19 an eviction under this subsection. Notification of the seizure of
20 illegal drugs under RCW 59.20.155 is evidence of criminal activity and
21 is grounds for an eviction under this subsection. The requirement that
22 any tenant or occupant register as a sex offender under RCW 9A.44.130
23 is grounds for eviction under this subsection. If criminal activity is
24 alleged to be a basis of termination, the park owner may proceed
25 directly to an unlawful detainer action;

26 (g) The tenant's application for tenancy contained a material
27 misstatement that induced the park owner to approve the tenant as a
28 resident of the park, and the park owner discovers and acts upon the
29 misstatement within one year of the time the resident began paying
30 rent;

31 (h) If the landlord serves a tenant three fifteen-day notices
32 within a twelve-month period to comply or vacate for failure to comply
33 with the material terms of the rental agreement or park rules. The
34 applicable twelve-month period shall commence on the date of the first
35 violation;

36 (i) Failure of the tenant to comply with obligations imposed upon
37 tenants by applicable provisions of municipal, county, and state codes,
38 statutes, ordinances, and regulations, including this chapter. The

1 landlord shall give the tenant written notice to comply immediately.
2 The notice must state that failure to comply will result in termination
3 of the tenancy and that the tenant shall vacate the premises within
4 fifteen days;

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

12 (k) The tenant creates a nuisance under sections 2 through 11, and
13 15 of this act that materially affects the health, safety, and welfare
14 of other park residents. The landlord shall give the tenant written
15 notice to cease the conduct that constitutes a nuisance immediately.
16 The notice must state that failure to cease the conduct will result in
17 termination of the tenancy and that the tenant shall vacate the
18 premises in five days;

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

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

29 (2) Within five days of a notice of eviction as required by
30 subsection (1)(a) of this section, the landlord and tenant shall submit
31 any dispute to mediation. The parties may agree in writing to
32 mediation by an independent third party or through industry mediation
33 procedures. If the parties cannot agree, then mediation shall be
34 through industry mediation procedures. A duty is imposed upon both
35 parties to participate in the mediation process in good faith for a
36 period of ten days for an eviction under subsection (1)(a) of this
37 section. It is a defense to an eviction under subsection (1)(a) of

1 this section that a landlord did not participate in the mediation
2 process in good faith.

3 (3) Chapters 59.12 and 59.18 RCW govern the eviction of
4 recreational vehicles, as defined in RCW 59.20.030, from mobile home
5 parks. This chapter governs the eviction of mobile homes, manufactured
6 homes, park models, and recreational vehicles used as a primary
7 residence from a mobile home park.

8 **Sec. 14.** RCW 59.18.130 and 1998 c 276 s 2 are each amended to read
9 as follows:

10 Each tenant shall pay the rental amount at such times and in such
11 amounts as provided for in the rental agreement or as otherwise
12 provided by law and comply with all obligations imposed upon tenants by
13 applicable provisions of all municipal, county, and state codes,
14 statutes, ordinances, and regulations, and in addition shall:

15 (1) Keep that part of the premises which he or she occupies and
16 uses as clean and sanitary as the conditions of the premises permit;

17 (2) Properly dispose from his or her dwelling unit all rubbish,
18 garbage, and other organic or flammable waste, in a clean and sanitary
19 manner at reasonable and regular intervals, and assume all costs of
20 extermination and fumigation for infestation caused by the tenant;

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

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

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

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

36 (7) Maintain the smoke detection device in accordance with the

1 manufacturer's recommendations, including the replacement of batteries
2 where required for the proper operation of the smoke detection device,
3 as required in RCW (~~(48.48.140(3))~~) 43.44.110;

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

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

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

9 (ii) Entails the unlawful use of a firearm or other deadly weapon
10 as defined in RCW 9A.04.110 which results in an arrest, including
11 threatening another tenant or the landlord with a firearm or other
12 deadly weapon under RCW 59.18.352. Nothing in this subsection (8)
13 shall authorize the termination of tenancy and eviction of the victim
14 of a physical assault or the victim of the use or threatened use of a
15 firearm or other deadly weapon;

16 (9) Not engage in any gang-related activity at the premises, as
17 defined in RCW 59.18.030, or allow another to engage in such activity
18 at the premises, that renders people in at least two or more dwelling
19 units or residences insecure in life or the use of property or that
20 injures or endangers the safety or health of people in at least two or
21 more dwelling units or residences. In determining whether a tenant is
22 engaged in gang-related activity, a court should consider the totality
23 of the circumstances, including factors such as whether there have been
24 a significant number of complaints to the landlord about the tenant's
25 activities at the property, damages done by the tenant to the property,
26 including the property of other tenants or neighbors, harassment or
27 threats made by the tenant to other tenants or neighbors that have been
28 reported to law enforcement agencies, any police incident reports
29 involving the tenant, and the tenant's criminal history; (~~and~~)

30 (10) Not engage in a nuisance under sections 2 through 11, and 15
31 of this act; and

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

1 NEW SECTION. **Sec. 15.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 16.** Sections 2 through 11, and 15 of this act
6 constitute a new chapter in Title 7 RCW."

ESHB 2414 - S AMD
By Senator Fairley

7 On page 1, line 2 of the title, after "activity;" strike the
8 remainder of the title and insert "amending RCW 59.18.075, 59.12.030,
9 59.20.080, and 59.18.130; adding a new chapter to Title 7 RCW; and
10 prescribing penalties."

EFFECT: (1) The striking amendment consists of the house version of SHB 2414 with section 3(5) (allowing the release by law enforcement of information to a complainant) and sections 4, 5, and 6 (restraining orders and injunctions) removed. Additionally, section 1 of ESHB 2414 is incorporated.

(2) The striking amendment does the following:

(a) A criminal street gang activity nuisance law is created. A building or unit within a building that is used for the purpose of aiding, promoting, or conducting criminal street gang activity is a nuisance. In a multiunit building, only the offending unit may be declared a nuisance.

(b) Any person who resides, works in, or owns property in the same multifamily building, apartment complex, or within a one block radius of the alleged nuisance may bring a nuisance abatement action by filing a complaint in the county superior court where the property is located. A public agency may also commence an action.

(c) The complaint must be verified or accompanied by an affidavit that describes the adverse impact associated with the property on the surrounding neighborhood.

(d) Adverse impact is defined.

(e) If existence of the nuisance is established in the action, an order of abatement must be entered.

(f) While the abatement order is in effect, the building or unit remains in the custody of the court.

(g) The plaintiff's costs in the action are a lien upon the building or unit to the extent of the owner's interest.

(h) If the court finds and concludes that the occupant or the owner of the building or unit: (i) Had no knowledge of the existence of the nuisance or has been making reasonable efforts to abate the nuisance; (ii) has not been guilty of any contempt of court in the proceedings; and (iii) will immediately make reasonable efforts to abate any such nuisance at the building or unit and prevent it from being a nuisance within a period of one year thereafter, then the court may not enter an abatement order. If an order of abatement has been entered and the occupant or owner subsequently meets these requirements, the order must be canceled.

(i) If the court finds there is insufficient evidence to establish the existence of the nuisance, the court may order the complainant to pay the occupant and the owner their reasonable attorneys' fees and costs to defend the action, any loss of rent or revenue experienced as a result of the action, and damages up to \$500.

(j) The bill contains specific provisions for how proceeds from any property forfeiture must be distributed. If the proceeds do not fully satisfy the costs, fees, and allowances, the building or unit may be sold if the court finds that the owner of the building or unit had knowledge or notice of the existence of the nuisance.

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