

ESSB 5742 - S AMD 24

By Senators Hargrove, Stevens

ADOPTED 02/08/2010

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

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

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

15 (1) "Crime-free rental housing program" means a crime prevention
16 program designed to reduce crime, drugs, and gangs on rental housing
17 premises under the supervision of the local police department or a
18 crime prevention officer. The program may include, but is not limited
19 to: Property management and crime prevention training classes; crime
20 prevention through environmental design surveys; and community
21 awareness training.

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

25 (3) "Premises" has the same meaning as in RCW 59.18.030.

26 (4) "Rental housing" means any tenancy subject to chapter 59.12,
27 59.18, or 59.20 RCW.

1 NEW SECTION. **Sec. 3.** (1) A city, town, or county may adopt and
2 implement a local government crime-free rental housing program in
3 accordance with this section.

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

6 (3)(a) Individual local jurisdictions may require a landlord to
7 participate in a crime-free rental housing program upon exceeding a
8 reasonable threshold of instances of criminal activity on the premises
9 if the landlord has not made a good faith effort to deter the criminal
10 activity.

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

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

15 (ii) Attendance and completion of a landlord training program
16 approved by the local jurisdiction.

17 (4)(a) As a prerequisite to subsection (3) of this section, upon
18 the occurrence of criminal activity on the premises, the local police
19 department must send a notice to the landlord setting forth the date of
20 the occurrence, the location of the occurrence, the nature of the
21 occurrence, and the name of the person who engaged in the occurrence.

22 (b) Notice must be deemed properly delivered when it is either
23 served upon the landlord or a property manager of the rental property,
24 or is delivered by first-class mail to the last known address of the
25 landlord.

26 (5) This section does not prevent a city, town, or county from
27 charging a fee for participation in a crime-free rental housing
28 program.

29 (6) This section does not affect a city, town, or county's
30 authority to enforce existing law in regard to rental housing, except
31 in regard to a crime-free rental housing program.

32 NEW SECTION. **Sec. 4.** A crime-free rental housing program may not
33 prohibit a landlord from hiring or renting to a person solely because
34 of the person's criminal background.

35 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2) of
36 this section, sections 2 through 4 of this act supersede and preempt

1 all rules, regulations, codes, statutes, or ordinances of all cities,
2 counties, municipalities, and local agencies regarding the same subject
3 matter. The state preemption created in this section applies to all
4 rules, regulations, codes, statutes, and ordinances pertaining to
5 crime-free rental housing programs at any time.

6 (2) Section 3 of this act does not apply to rules, regulations,
7 codes, statutes, or ordinances adopted by cities, counties,
8 municipalities, or local agencies prior to July 1, 2010, except as
9 required by an order issued by a court of competent jurisdiction
10 pursuant to litigation regarding the rules, regulations, codes,
11 statutes, or ordinances.

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

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14 On page 1, line 1 of the title, after "housing;" strike the
15 remainder of the title and insert "and adding a new chapter to Title 35
16 RCW."

EFFECT: Intent language is added and crime-free rental housing
program is defined. Limitations on license fees that may be charged by
a local government when criminal activity occurs is removed. Local
governments may require landlords to participate in a crime-free rental
housing program when a reasonable number of criminal incidents occur on
the premises. Law enforcement must give a landlord notice of criminal
activity on the premises. Current crime-free rental housing programs
are grandfathered, except that a program may not prohibit a landlord
from hiring or renting to a person solely because of the person's
criminal background.

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