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HOUSE BILL 2632

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Ross, Goodman, Chandler, Hope, Johnson, Ladenburg,  
and Moscoso

Read first time 01/19/12. Referred to Committee on Judiciary.

1 AN ACT Relating to criminal activities occurring at rental  
2 properties; amending RCW 9A.52.070, 59.04.050, and 59.18.075; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that rightful tenants  
6 at rental properties have been terrorized and intimidated by  
7 individuals involved with criminal street gang activities and other  
8 criminal activity. People have been coerced from their rental units  
9 allowing trespassers to occupy the property and thus subjecting other  
10 tenants to fear and exposure to criminal environments. While existing  
11 law provides legitimate tenants with adequate protection from  
12 irresponsible eviction, those protections should not be extended to  
13 members of gangs and persons illegally occupying rental properties.  
14 For the protection of innocent and law-abiding tenants, it is the  
15 intent of this act to provide landlords and law enforcement with the  
16 tools to identify and expeditiously remove squatters, gang influences,  
17 and those engaged in criminal activities from rental properties.

1       **Sec. 2.** RCW 9A.52.070 and 2011 c 336 s 372 are each amended to  
2 read as follows:

3       (1) A person is guilty of criminal trespass in the first degree if:

4       (a) He or she knowingly enters or remains unlawfully in a building;  
5 or

6       (b) He or she is a tenant by sufferance as described in RCW  
7 59.04.050, or resides at a rental property and is not listed as a  
8 tenant on a rental agreement or as a guest in an affidavit signed by  
9 the owner or an agent of the owner of the property, and he or she  
10 refuses to immediately upon demand surrender possession of the premises  
11 to the owner, or vacate the property, including other rental areas or  
12 common areas held by the owner.

13       (2)(a) In any prosecution under subsection (1)(b) of this section,  
14 it is a defense that the person who refuses to surrender possession or  
15 vacate the property can produce:

16       (i) An executed copy of a written rental agreement as provided in  
17 RCW 59.18.065, identifying the person as a lawful tenant of the rental  
18 property; or

19       (ii) An affidavit signed by the owner or an agent of the owner that  
20 allows the person to reside as a guest at the rental property for a  
21 specified period of time.

22       (b) It is not a defense in any prosecution under subsection (1)(b)  
23 of this section that the person who refuses to surrender possession or  
24 vacate the property was invited into the property by a lawful tenant of  
25 the property unless the tenant was an agent of the owner.

26       (3) Criminal trespass in the first degree is a gross misdemeanor.

27       **Sec. 3.** RCW 59.04.050 and 2010 c 8 s 19002 are each amended to  
28 read as follows:

29       (1) Whenever any person obtains possession of premises without the  
30 consent of the owner or other person having the right to give said  
31 possession, he or she shall be deemed a tenant by sufferance merely,  
32 and shall be liable to pay reasonable rent for the actual time he or  
33 she occupied the premises, and shall forthwith on demand surrender his  
34 or her said possession to the owner or person who had the right of  
35 possession before said entry, and all his or her right to possession of  
36 said premises shall terminate immediately upon said demand.

1       (2) Any owner or agent of the owner who has demanded a tenant by  
2 sufferance to vacate the owner's property may request law enforcement  
3 to remove the tenant by sufferance as a trespasser under RCW 9A.52.070.

4       **Sec. 4.** RCW 59.18.075 and 1992 c 38 s 4 are each amended to read  
5 as follows:

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

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

23       (3) Any law enforcement agency that has found that a tenant or  
24 other resident of a dwelling unit is engaged in criminal street gang  
25 activity as identified in RCW 9.94A.030 or human trafficking as  
26 identified in RCW 9A.40.100, or has been called to a rental property to  
27 investigate criminal street gang activity or human trafficking, shall  
28 make a reasonable attempt to discover the identity of the landlord and  
29 shall notify the landlord in writing, at the last address listed in the  
30 property tax records and at any other address known to the law  
31 enforcement agency, of the criminal street gang activity or human  
32 trafficking occurring at the landlord's rental property. The law  
33 enforcement agency shall include with the notice:

34       (a) The names of the tenant and individual or individuals who were  
35 engaged in any activity described in this subsection;

36       (b) The dwelling unit where the incident occurred;

37       (c) The date of the incident;

1       (d) Actions taken by the law enforcement agency;  
2       (e) A statement outlining the authority of a landlord to:  
3       (i) Evict under this chapter a tenant who possesses a lawful rental  
4 agreement but is engaged in an activity identified in this subsection;  
5 or  
6       (ii) Identify to law enforcement that the person is a tenant by  
7 sufferance, and the landlord may exercise the owner's authority under  
8 RCW 59.04.050; and  
9       (f) Any penalties that may be assessed against the landlord for  
10 failure to abate the nuisance created by the activity identified in  
11 this subsection.

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