



King County

Metropolitan King County Council Law, Justice and Human Services Committee

STAFF REPORT

AGENDA ITEM: 4

DATE: July 17, 2008

PROPOSED ORDINANCE: 2008-0340

PREPARED BY: Clifton Curry

SUBJECT: AN ORDINANCE related to rental housing safety; and adding a new chapter to K.C.C. Title 12.

SUMMARY: This proposed Ordinance would require that the King County Sheriff's Office inform landlords when criminal activity takes place on rental properties in the unincorporated areas and also establishes civil fines for those landlords that fail to take reasonable action to reduce the occurrence of criminal activities on their properties.

Background. The King County Sheriff's Office provides a variety of law enforcement services and has the largest county criminal justice budget (over \$125 million and 1,000 employees). The sheriff is responsible for certain mandated regional and local law enforcement services. The sheriff's office is the first response "police department" for all of King County's unincorporated areas. In addition, the sheriff's office has several regional responsibilities, including the operation of the county's Automated Fingerprint Identification System (AFIS), E-911 call and dispatch, King County Search and Rescue, and various other regional programs.

Typically, policing services are primarily reactive, in that police officers respond to calls/issues as they arise. Community Oriented Policing – also referred to as proactive policing – builds on reactive policing. Community Oriented Policing (COP) emerged as a formal policing model in the 1990's and is based on police and community partnerships. Police officers become well-known members of the community in which they serve. They partner with local residents, businesses and other service providers to integrate into the community and proactively work towards preventing crime. The objectives of community policing are to reduce crime and disorder, promote citizens' quality of life in communities, reduce fear of crime and improve police-citizen relations. Community Oriented Policing has been considered a "best practice" in the field of law enforcement for over a decade and the council recently adopted Community Oriented Policing as the policy for the sheriff's office as part of the sheriff's recently completed Operational Master Plan.

Since 1994, KCSO has worked actively to implement community oriented policing throughout the organization. All sheriff staff are trained in community policing and problem-solving methods. This training continues to be a training module provided to all new hires at the state academy. The sheriff has identified positions as community policing positions, opened storefront offices, partnered with school districts to provide school resource officers and established

domestic violence liaison positions to support victims of domestic violence. In addition, the sheriff's office does "crime analysis" that allows for sharing information and the appropriate targeting of resources for identified problem areas. For example, the sheriff's office will track addresses that have numerous calls for service or identified criminal activity—even when the activities occur across different shifts and times--and share this information with patrol deputies.

The sheriff's office has reported that it does not always have the tools necessary for providing the best proactive services when criminal activities occur at certain rental properties. Sheriff's deputies take appropriate actions against offenders when criminal activity occurs, however, patterns of chronic criminal behavior are known to deputies and neighbors are not always communicated to—or acted upon—by landlords. The sheriff reports that these "problem" properties are relatively few, but have a disproportionate negative effect on neighborhoods. Nevertheless, the sheriff reports that existing county laws have proven ineffective in encouraging rental housing property owners who have criminal activity occurring on their property, to take the proper steps necessary to help the sheriff's office in stopping crime.

Proposed Ordinance. This proposed Ordinance would use the county's police powers to require rental property owners to take reasonable steps to prevent the use of rental property for criminal purposes. The Ordinance requires that the sheriff's office notify landlords when criminal activity occurs on their properties (it also specifically defines what constitutes criminal activity—see attached listing). Notice may be sent whenever the sheriff's office has probable cause to believe that criminal conduct has occurred on the rental property and includes those activities that involve tenants or guests.

If a landlord is notified by the sheriff's department that criminal conduct has occurred on the property, the landlord is required to take reasonable steps to reduce the likelihood that criminal conduct will reoccur on the rental property. Under this proposed Ordinance, the landlord may request the assistance of the sheriff's office in taking steps to reduce the likelihood that criminal conduct will recur. The Ordinance also requires that the county shall assist landlords when such a request is made. The Ordinance additionally asks for increased cooperation between property owners, tenants, and the sheriff's office to help reduce criminal activities.

Under this Ordinance, repeated criminal conduct committed by tenants or guests on the rental property can result in a civil infraction chargeable to the landlord. Under the provisions of this Ordinance, if a landlord receives more than three notices regarding instances of criminal conduct committed in the same dwelling unit or anywhere on the rental property by the same tenant or any guest of the tenant within any six-month period, the landlord is guilty of a civil infraction if they have not taken reasonable steps to reduce the likelihood that criminal conduct will reoccur on the rental property. A violation of this chapter is a class 2 civil infraction for the first offense (maximum \$125 fine plus any court costs) and a class 1 civil infraction (maximum \$250 fine plus court costs) for each offense after punishable under chapter 7.80 RCW. Enforcement of this ordinance through issuance of civil infraction notices as provided in RCW chapter 7.80 will use procedures with which the sheriff's office and District Court are accustomed. For those instances when a landlord disputes the citation, the district court can conduct hearings to resolve the dispute or mitigate the fine, with a sheriff's deputy presenting evidence in support of the infraction notice. As provided by RCW 7.80.090, a deputy prosecuting attorney may, but need not, appear on behalf of the county. It is anticipated that most cases will not require appearance by a deputy prosecuting attorney.

Potential Amendments. In discussions with various interested parties, two suggested amendments are being proposed. The first would eliminate one proposed category of criminal activity—that related to or gang-related activity (as defined by RCW 59.18.030)—because this is a new law and there has been limited experience in using the new statutory definitions. Secondly, it has been recommended that the council consider adding a “Sunset” date that would allow for the evaluation of the ordinance’s utilization and impact after it has been in place for a period of time. Amendments have been prepared and are attached.

ATTENDEES:

- Sgt. John Urquhart, King County Sheriff’s Office

ATTACHMENTS:

1. Proposed Ordinance 2008-0340
2. List of Definitions—Criminal Conduct
3. Amendment S-1
4. Amendment S-2



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 12, 2008

Ordinance

Proposed No. 2008-0340.1

Sponsors Dunn and Patterson

1 AN ORDINANCE related to rental housing safety; and
2 adding a new chapter to K.C.C. Title 12.
3

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Findings:

6 A. The citizens of the county have a right to safe rental housing and the county
7 should assist rental property owners and managers to reduce the occurrence of criminal
8 conduct on rental properties. The council finds that it is a reasonable exercise of its
9 police powers to require rental property owners to take reasonable steps to prevent the
10 use of rental property for criminal purposes, and that rental property owners should be
11 penalized in the event they take no action to discourage crime from recurring on their
12 rental properties. The council further finds that increased cooperation between property
13 owners, tenants and the sheriff's office is integral in reducing such crime.

14 B. Existing county laws have proven ineffective in encouraging rental housing
15 property owners who have criminal activity occurring on their property, to take the
16 proper steps necessary to help the sheriff's office in stopping crime.

17 C. This ordinance has been developed to give the sheriff's office and rental
18 housing property owners the tools necessary to maintain and improve the safety, quality
19 and appearance of the rental properties they own, and therefore, provide a safer living
20 environment for renters and for the surrounding community.

21 D. Enforcement of this ordinance through issuance of civil infraction notices as
22 provided in RCW chapter 7.80 will use procedures with which the sheriff's office and
23 district court are accustomed. The district court will conduct hearings on infractions,
24 with a sheriff's deputy presenting evidence in support of the infraction notice. As
25 provided by RCW 7.80.090, a deputy prosecuting attorney may, but need not, appear on
26 behalf of the county. It is anticipated that most cases will not require appearance by a
27 deputy prosecuting attorney.

28 SECTION 2. Sections 3 through 6 of this ordinance should constitute a new
29 chapter in K.C.C. Title 12.

30 NEW SECTION. SECTION 3. The definitions in this section apply throughout
31 this chapter unless the context clearly requires otherwise.

32 A. "Criminal conduct" means reasonable suspicion that:

- 33 1. A "most serious offense" has occurred as defined in RCW 9.94A.030;
- 34 2. Gang or gang-related activity, as those terms are defined by RCW 59.18.030
35 has occurred on the rental property;
- 36 3. Drug-related activity pursuant to RCW 59.18.130 has occurred on the rental
37 property; and
- 38 4. Furnishing liquor to persons under twenty-one years of age or furnishing to a
39 premise of persons under twenty-one years of age to consume liquor pursuant to RCW
40 66.44.270(1) has occurred on the rental property.

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41 B. "Landlord" means:

42 1. The owner, lessor or sublessor of the dwelling unit or the rental property of
43 which it is a part and a person designated as a representative of the landlord;

44 2. A person or business entity such as a corporation, limited liability
45 corporation, partnership, or agency that owns, operates or manages rental housing or
46 rental property; and

47 3. A person, designated by the landlord, who has authority to sign a lease or
48 rental agreement.

49 C. "Sheriff's office" means the King County sheriff's office or a law enforcement
50 officer who has general authority, limited authority or specially commissioned
51 Washington state peace officer, or any federal peace officer, as those terms are defined by
52 chapter 10.93 RCW.

53 D. "Reasonable steps to reduce the likelihood that criminal conduct will recur on
54 the property" means that the landlord reports criminal conduct that occurs on the property
55 whenever the commission of criminal conduct on the rental property is known or
56 suspected, and that the landlord takes steps to prevent the recurrence of crime, which may
57 include, but are not limited to, one of the following:

58 1. The landlord and on-site managers of the rental property show proof of
59 attendance in at least a three-hour landlord training class. Training may be provided by
60 local police departments, rental housing associations, on-line training or any other
61 training program approved by the sheriff's office. The training must be about rental
62 property management, crime free properties, tenant screening or landlord-tenant law;

63 2. The landlord pursues eviction to judgment of the tenant who is the subject of
64 a notice issued in accordance with section 4.B. of this ordinance, and begins the eviction
65 process within thirty days after the third notice is issued; or

66 3. The landlord requests the county's assistance in accordance with section 5 of
67 this ordinance.

68 E. "Rental agreement" or "lease" has the same meaning as "rental agreement"
69 defined in RCW 59.18.0301.

70 F. "Rental housing" or "rental property" means a rental housing facility that is
71 rented or intends to be rented, is located on a single parcel or lot and for which a postal
72 address exists or may exist for each individual unit, and the common areas and
73 appurtenances to the rental housing facility. "Rental housing" or "rental property"
74 includes any mobile home park or manufactured housing community as those terms are
75 defined by RCW 59.20.030. "Rental housing" or "rental property" does not include the
76 following:

- 77 1. A retail, commercial or industrial rental;
- 78 2. A registered and licensed nursing home; or
- 79 3. A properly registered and licensed assisted living facility.

80 G. "Tenant" has the same meaning as "tenant" in RCW 59.18.030 and 59.20.030.

81 NEW SECTION. SECTION 4.

82 A. A landlord shall ensure that its rental property is not used for criminal
83 conduct. If a landlord is notified by the sheriff's department that criminal conduct has
84 occurred on the property, the landlord shall take reasonable steps to reduce the likelihood
85 that criminal conduct will reoccur on the rental property. Repeated criminal conduct

86 committed by tenants or guests on the rental property shall result in a civil infraction
87 chargeable to the landlord.

88 B. Upon the occurrence of criminal conduct on the rental property, the sheriff's
89 office may cause notice to be sent to the landlord setting forth the date of the occurrence,
90 the location of the occurrence, the nature of the occurrence and the name of the person
91 who engaged in the criminal conduct. Notice may be sent whenever the sheriff's office
92 has probable cause to believe that criminal conduct has occurred on the rental property.
93 Notice is deemed properly delivered when it is either served upon the landlord or a
94 property manager of the rental property by certified mail to the last known address of the
95 landlord. The issuance of the notice in this subsection is a prerequisite to the issuance of
96 a notice of infraction under subsection C. of this section, and the issuance of the civil
97 infraction under subsection C. of this section constitutes the notice of the fourth instance
98 of criminal conduct.

99 C. If a landlord receives more than three notices under subsection B. of this
100 section regarding instances of criminal conduct committed in the same dwelling unit or
101 anywhere on the rental property by the same tenant or any guest of the tenant within any
102 six-month period, the landlord is guilty of a civil infraction if they have not taken
103 reasonable steps to reduce the likelihood that criminal conduct will reoccur on the rental
104 property. If the criminal conduct is committed by guests of the tenant, the county need
105 not establish that the criminal conduct was committed by the same guest. Each instance
106 of criminal conduct committed in the same dwelling unit or anywhere on the rental
107 property by the same tenant or any guest of the tenant in excess of three instances of

108 criminal conduct in a six-month period is an additional civil infraction chargeable to the
109 landlord.

110 NEW SECTION. SECTION 5.

111 A. A request for the assistance of the county in accordance with this section is
112 considered a reasonable step to reduce the likelihood that criminal conduct will recur for
113 the next single violation on the rental property, but only if:

114 1. The landlord cooperates with the county's assistance and takes reasonable
115 measures to implement the suggested methods of the county to reduce the recurrence of
116 criminal conduct on the rental property; and

117 2. A request for assistance does not relieve the landlord of the duty to comply
118 with this chapter.

119 B. When criminal conduct occurs on rental property, or the occurrence of
120 criminal conduct on the rental property is suspected by the landlord, the landlord may
121 request the assistance of the sheriff's office in taking steps to reduce the likelihood that
122 criminal conduct will recur on the rental property. The county shall assist landlords when
123 such a request is made. The assistance may include, but is not limited to, the following:

124 1. Providing the landlord with disclosable information relating to the criminal
125 conduct that occurred on the rental property;

126 2. Having a law enforcement officer communicate with the tenant suspected of
127 engaging in the criminal conduct regarding the ramifications of continued criminal
128 conduct; and

129 3. Providing the landlord with resources available to assist the landlord in
130 pursuing eviction of the tenant.

131 C. The sheriff's office may work with other agencies providing advice to rental
132 property owners or tenants in providing assistance under this section.

133 NEW SECTION. SECTION 6.

134 A. A violation of this chapter is a class 2 civil infraction for the first offense and
135 a class 1 civil infraction for each offense after punishable under chapter 7.80 RCW.

136 B. Except as set forth in this chapter and except as other rules apply, the
137 Infraction Rules for Court of Limited Jurisdiction (IRLJ) and all local rules and policies
138 as promulgated by King County district court shall govern infraction proceedings and
139 appeals of infractions filed in accordance with section 4 of this ordinance.

140 SECTION 7. If any provision of this ordinance or its application to any person or

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141 circumstance is held invalid, the remainder of the ordinance or the application of the
142 provision to other persons or circumstances is not affected.

143

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Anne Noris

ATTEST:

Julia Patterson

APPROVED this ____ day of _____, _____.

Ron Sims

Attachments None

Ordinance 2008-0340
Criminal Conduct Definitions

"Criminal conduct" means reasonable suspicion that:

1. A "most serious offense" has occurred as defined in RCW 9.94A.030;

The following are the definitions of most serious offense from RCW:

- (a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;
- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
- (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (s) Any other class B felony offense with a finding of sexual motivation;
- (t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;
- (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

2. Gang or gang-related activity, as those terms are defined by RCW 59.18.030 has occurred on the rental property;
3. Drug-related activity pursuant to RCW 59.18.130 has occurred on the rental property;
and
4. Furnishing liquor to persons under twenty-one years of age or furnishing to a premise of persons under twenty-one years of age to consume liquor pursuant to RCW 66.44.270(1) has occurred on the rental property.

S-1

July 17, 2008

cjc

Sponsor: Dunn

Proposed No.: 2008-0340

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-0340, VERSION 1**

2 On page 2, line 34, delete

3 "2. Gang or gang-related activity, as those terms are defined by RCW 59.18.030
4 has occurred on the rental property;"

5 **EFFECT:**

6 Eliminates one definition of criminal activity.

S-2

July 17, 2008

cjc

Sponsor: Dunn

Proposed No.: 2008-0340

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-0340, VERSION 1**

2 On page 8, line 143, insert

3 “Section 8. This ordinance expires December 31, 2013.”

4

5 **EFFECT:**

6 Adds Sunset Date.