



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 28, 2008

Ordinance 16223

Proposed No. 2008-0340.2

Sponsors Dunn, Patterson, Lambert, Hague
and Phillips

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 and articulable suspicion by a sworn
33 law enforcement officer that:

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

40 B. "Landlord" means:

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

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

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

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

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

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

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

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

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

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

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

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

80 NEW SECTION. SECTION 4.

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

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

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

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

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

109 NEW SECTION. SECTION 5.

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

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

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

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

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

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

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

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

132 NEW SECTION. SECTION 6.

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

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

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

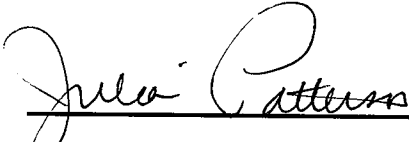
141 circumstance is held invalid, the remainder of the ordinance or the application of the
142 provision to other persons or circumstances is not affected.

143

Ordinance 16223 was introduced on 6/16/2008 and passed by the Metropolitan King
County Council on 7/28/2008, by the following vote:

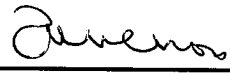
Yes: 9 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. von
Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 7 day of August, 2008.



Ron Sims, County Executive

Attachments None

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KING COUNTY COUNCIL