



Legislation Text

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Clerk 07/18/2008

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

B. 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.

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

D. 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. The district

court will conduct hearings on infractions, 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.

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

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

A. "Criminal conduct" means reasonable and articulable suspicion by a sworn law enforcement officer that:

1. A "most serious offense" has occurred as defined in RCW 9.94A.030;
2. Drug-related activity pursuant to RCW 59.18.130 has occurred on the rental property; and
3. 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.

B. "Landlord" means:

1. The owner, lessor or sublessor of the dwelling unit or the rental property of which it is a part and a person designated as a representative of the landlord;
2. A person or business entity such as a corporation, limited liability corporation, partnership, or agency that owns, operates or manages rental housing or rental property; and
3. A person, designated by the landlord, who has authority to sign a lease or rental agreement.

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

D. "Reasonable steps to reduce the likelihood that criminal conduct will recur on the property" means

that the landlord reports criminal conduct that occurs on the property whenever the commission of criminal conduct on the rental property is known or suspected, and that the landlord takes steps to prevent the recurrence of crime, which may include, but are not limited to, one of the following:

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

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

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

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

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

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

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

NEW SECTION. SECTION 4.

A. A landlord shall ensure that its rental property is not used for criminal conduct. If a landlord is

notified by the sheriff's department that criminal conduct has occurred on the property, the landlord shall take reasonable steps to reduce the likelihood that criminal conduct will reoccur on the rental property. Repeated criminal conduct committed by tenants or guests on the rental property shall result in a civil infraction chargeable to the landlord.

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

C. If a landlord receives more than three notices under subsection B. of this section 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. If the criminal conduct is committed by guests of the tenant, the county need not establish that the criminal conduct was committed by the same guest. Each instance 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 in excess of three instances of criminal conduct in a six-month period is an additional civil infraction chargeable to the landlord.

NEW SECTION. SECTION 5.

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

but only if:

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

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

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

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

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

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

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

NEW SECTION. SECTION 6.

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

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

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

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