

Initiative Measure No. 465

Filed

AUG 23 2010

SECRETARY OF STATE

1 AN ACT Relating to secondhand smoking in multirental housing units;
2 and amending RCW 59.18.130.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 59.18.130 and 1998 c 276 s 2 are each amended to read
5 as follows:

6 Each tenant shall pay the rental amount at such times and in such
7 amounts as provided for in the rental agreement or as otherwise
8 provided by law and comply with all obligations imposed upon tenants by
9 applicable provisions of all municipal, county, and state codes,
10 statutes, ordinances, and regulations, and in addition shall:

11 (1) Keep that part of the premises which he or she occupies and
12 uses as clean and sanitary as the conditions of the premises permit;

13 (2) Properly dispose from his or her dwelling unit all rubbish,
14 garbage, and other organic or flammable waste, in a clean and sanitary
15 manner at reasonable and regular intervals, and assume all costs of
16 extermination and fumigation for infestation caused by the tenant;

17 (3) Properly use and operate all electrical, gas, heating, plumbing
18 and other fixtures and appliances supplied by the landlord;

1 (4) Not intentionally or negligently destroy, deface, damage,
2 impair, or remove any part of the structure or dwelling, with the
3 appurtenances thereto, including the facilities, equipment, furniture,
4 furnishings, and appliances, or permit any member of his or her family,
5 invitee, licensee, or any person acting under his or her control to do
6 so. Violations may be prosecuted under chapter 9A.48 RCW if the
7 destruction is intentional and malicious;

8 (5) Not permit a nuisance, including secondhand smoke, or common
9 waste;

10 (6) Not engage in drug-related activity at the rental premises, or
11 allow a subtenant, sublessee, resident, or anyone else to engage in
12 drug-related activity at the rental premises with the knowledge or
13 consent of the tenant. "Drug-related activity" means that activity
14 which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW;

15 (7) Maintain the smoke detection device in accordance with the
16 manufacturer's recommendations, including the replacement of batteries
17 where required for the proper operation of the smoke detection device,
18 as required in RCW (~~((48.48.140(3)))~~) 43.44.110;

19 (8) Not engage in any activity at the rental premises that is:

20 (a) Imminently hazardous to the physical safety of other persons on
21 the premises; and

22 (b) (i) Entails physical assaults upon another person which result
23 in an arrest; or

24 (ii) Entails the unlawful use of a firearm or other deadly weapon
25 as defined in RCW 9A.04.110 which results in an arrest, including
26 threatening another tenant or the landlord with a firearm or other
27 deadly weapon under RCW 59.18.352. Nothing in this subsection (8)
28 shall authorize the termination of tenancy and eviction of the victim
29 of a physical assault or the victim of the use or threatened use of a
30 firearm or other deadly weapon;

31 (9) Not engage in any gang-related activity at the premises, as
32 defined in RCW 59.18.030, or allow another to engage in such activity
33 at the premises, that renders people in at least two or more dwelling
34 units or residences insecure in life or the use of property or that
35 injures or endangers the safety or health of people in at least two or
36 more dwelling units or residences. In determining whether a tenant is
37 engaged in gang-related activity, a court should consider the totality
38 of the circumstances, including factors such as whether there have been

1 a significant number of complaints to the landlord about the tenant's
2 activities at the property, damages done by the tenant to the property,
3 including the property of other tenants or neighbors, harassment or
4 threats made by the tenant to other tenants or neighbors that have been
5 reported to law enforcement agencies, any police incident reports
6 involving the tenant, and the tenant's criminal history; and

7 (10) Upon termination and vacation, restore the premises to their
8 initial condition except for reasonable wear and tear or conditions
9 caused by failure of the landlord to comply with his or her obligations
10 under this chapter: PROVIDED, That the tenant shall not be charged for
11 normal cleaning if he or she has paid a nonrefundable cleaning fee.

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