

# ORCA TALES

## \*\*\*LANDLORD-TENANT LAW UPDATE\*\*\*

Important changes to the RCW 59.18.356 as of 3/15/04

On March 15, 2004, the Governor signed a bill that went into effect immediately to increase safety for victims of domestic violence by removing barriers to safety and offering protection against discrimination. The provisions of RCW 59.18.356 have been expanded significantly impacting both the rights of victims and the duties of landlords. Following is a list of questions and answers intended to provide information you need regarding the new law.

**Who may terminate a rental agreement and quit the premises without further obligation?** Under the new statute, any tenant or household member that has been a victim of a domestic violence crime, sexual assault, or stalking, may terminate their rental agreement and quit the premises. To comply with the statute the tenant or household member must provide the landlord with a written request, along with a copy of a valid order of protection or a record that the incident has been reported to a qualified third party. Written request must be made within 90 days of incident that gave rise to the protection order or within 90 days of the reported incident.

**What risks of liability exist for a landlord under this new statute?** Landlords may not terminate, fail to renew, or refuse to enter into a rental agreement on the basis of a victim's status or use of this statute. Any violation of these provisions may create civil liability for the landlord.

**Must a landlord change the locks if the tenant reports being a victim of a domestic violence crime, sexual assault, or stalking?** When a tenant who has obtained a court order granting them possession of the unit to the exclusion of one or more co-tenants, that tenant may request that the locks be replaced or that they be configured for a new key at the tenant's expense. Under this new statute, the landlord must comply with that request and is prohibited from releasing copies of the new key to the excluded tenant. Under this section, a landlord who replaces a lock or configures for a new key of a residential unit, shall be held harmless from liability for any damages that result directly from the lock change. This does not release any co-tenant, other than the victim of the reported crimes, from liability or obligations under the rental agreement.

**Is anyone obligated to pay the rent after a tenant terminates the rental agreement under this statute?** Other tenants, who are parties to the rental agreement and are not victims of sexual assault, stalking, or domestic violence crimes, remain bound by the rental agreement and are not released from those obligations.

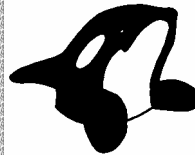
\*Teresa M Cox, Domestic Violence Prosecutor for City of Everett

## Property Manager of the Month!

**Congratulations Delores Cobb, for being ORCA's  
Property Manager of the Month!**

Being in Property Management since 1991, Delores now manages 400 plus units! Somehow, Delores has also found time for her 3 children, loves to network with other property managers, goes to church, involved with the Professional Women's Program AND is currently running for City Commissioner! How does she do it? Most pleasing to Delores in this business is the respect she receives from her tenants and owners and most unpleasant would be listening to why the tenants can't pay rent and or avoiding her or notices! We at ORCA wanted to congratulate Delores on all her adventures and wish you many more good ones to come! Thanks Delores for your continued business, it continues to be a pleasure working with you!

## ORCA WISDOM



*Success is not a destination that  
you ever reach. Success is the  
quality of your journey.*

*\*Jennifer James\**



**Do you have low-income, affordable apartments FOR  
RENT in Washington or Oregon State?**

**LIST YOUR PROPERTY NOW WITH  
aptfinder.org!**

**Simply go to the website [aptfinder.org](http://aptfinder.org) and CLICK on  
"List a Property".**

Submit your property information using our on-line data collection form right from the website. You will receive a FULL PAGE listing of your property containing contact information for applications, affordable program, eligibility and rent structure, picture and a MAPQUEST link to your property.

## TEN IMPORTANT FACTS ...

### ABOUT CRIMINAL RECORDS

Remember that it is not always about if the people you screen can pay the rent, but also if they possess a criminal threat to your residents, staff and property. As a manager owner, you are obligated to protect your residents and employees. These days, the court system may hold managers and owners responsible for resident safety. The best way to reduce the chances of inviting criminal activity onto your property is by not renting to criminals. Many of the same people who commit crimes have a past criminal record—they rarely become problems overnight. A criminal background check is an important and affordable part of the screening process.

1. Credit Reports never contain criminal information. The legal portion only contains monetary related suits, liens and judgments, but never criminal records.

2. No national criminal records database is available. The only true database is the FBI's NCIC file and only can be accessed by law enforcement.

3. Most criminal records are kept at the county level. There are more than 3,300 counties in the United States. A few states have a repository of cases from the local courts; however, the information is not reliable complete and many states impose restriction on access.

4. Many crimes are committed in the offender's county of residence. To increase your chances of finding a criminal record (if there is one), check the county and or counties, from where the applicant has lived.

5. Searches can provide false hits. Searches are done primarily by name and sometimes date of birth and addresses. Therefore, a common name, such as John Smith, may result in several potential "hits," because Social Security information is not usually contained in the records, it is important to do further verifications to determine if it is your applicant.

6. Find a service that provides useful information. Some companies will give you a "data dump" of all the records found on an individual. Some of this information may be useless and influence your decision when it shouldn't. For example you policy may state that you reject applicants with felonies: however, you may receive information that includes misdemeanors and driving records. Although this information gives you a "profile" on your customer, it may not be the type of information that you need to evaluate them. You may be better off not knowing as it could create liability.

7. A verbal report is not going to protect you. If you plan on rejecting someone for criminal activity, you will want written documentation for your files.

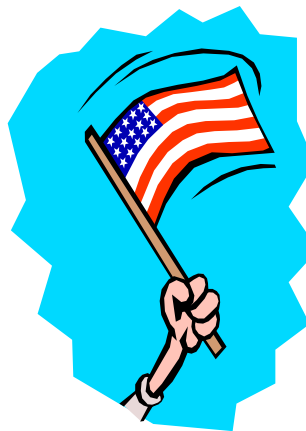
8. You do not need prior approval from your applicants. Access to criminal records does not require a release, although it is better to disclose this information on your rental application.

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9. The FCRA allows only seven years of data. For the purposes of rental housing, the Fair Credit Reporting Act (FCRA) will allow you to consider only the past seven years of criminal history when making a rental decision.

10. Be consistent to avoid discrimination. Run criminal checks on all applicants or as a final check on those that meet your income and credit qualifications. If you are not going to run a criminal check on all applicants, have a specific set criteria that dictates when you will request a criminal report on a potential resident. Running a report on an applicant just because you have a bad feeling about them can leave you open to costly fair housing lawsuit.

\*\*\*On-Site Magazine



**The ORCA Office will be closed on Monday, May 31st, in Observance of Memorial Day. We will be back to regular business on Tuesday, Please have a safe weekend!**

### What people in the "know" are saying... about ORCA!

"Our 2nd Crime Free Housing workshop was extremely successful! Your willingness to be an instructor was a key component to that success. Some of the comments we received about your presentation:

"Excellent presentation skills—knows material well"

"I learned a lot—I'm going to start using ORCA!"

"We use ORCA— great people!"

"Very informative!"

Obviously, you were a valued portion of the workshop and we were very fortunate that you chose to make time to be part of it!"

\*\*\*Officer Steve Paxton, Crime Prevention Officer

"Dear Miss Head Whale—

Once again, THANK YOU for being such a valuable part of our managers training! I'm really pleased with the panel of experts we've got committed to Tukwila's program! Thank you for sharing your expertise!"

\*\*\*Robbie