ORDINANCE NO. 3968

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Kent City Code section 5.14.120(B)(1)(c) related to the City’s Safe Rental Housing program to remove the requirement that a program participant prohibit employment to any employee who has been convicted of a felony within the past 10 years, to instead require that a program participant conduct a third party background check of any manager or onsite employee.

RECITALS

A. On September 18, 2007, the City of Kent adopted Ordinance No. 3860, which implemented a Safe Rental Housing Program to be administered by the Kent Police Department. This ordinance is codified at chapter 5.14 of the Kent City Code (KCC). The purpose of the program is to assist rental property owners and managers in reducing the occurrence of criminal conduct on rental properties, and providing tenants with safer rental housing options.

B. The Safe Rental Housing Program established foundational steps landlords could take to provide safe rental properties for tenants, and voluntarily achieve the status of a safe rental property with the City’s program. One of those provisions is found at KCC 5.14.120(B)(1)(c), and

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recommends that landlords prohibit employment to any manager or onsite employee who had been convicted of a felony criminal offense within the past ten (10) years. Because not all felony convictions are for dangerous or violent crimes, and because this may interfere with the reintegration of felons into the community, the Kent Police Department recommends revising this code section to provide that in lieu of prohibiting employment, the landlord should conduct a third-party background check. This code provision would leave employment to the discretion of the landlord.

C. The amendments provided by this ordinance are also consistent with Second Engrossed Substitute Senate Bill 5742 adopted by the state Legislature during its 2010 legislative session, which prohibits a landlord from hiring or renting to a person solely because of the person’s criminal history.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. Section 5.14.120 of the Kent City Code, entitled “Safe Tenants and Rentals Program – Requirements,” is amended as follows:

Sec. 5.14.120. Safe tenants and rentals program – Requirements.

A. The STAR program shall be voluntary, and no business license shall be conditioned upon a rental property’s status as a STAR participant.

B. The STAR program shall have three (3) levels of participation as follows:

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1. **STAR Level C.** In order to achieve STAR Level C status, the participant shall:
   
   a. Utilize a crime-free housing addendum for the lease of each unit of the rental property as set forth in KCC 5.14.150, which makes criminal conduct on the property a material breach of a covenant of the lease or rental agreement, and enforce the terms of the crime-free housing addendum.
   
   b. As a condition of any rental agreement, reserve the right to expel any person not specified on the rental agreement from the rental property.
   
   c. Perform a third party background check prohibit the employment of any manager or other onsite employee who has been convicted, within the past ten (10) years, of a felony criminal offense under the laws of the state of Washington or the equivalent laws of another state or the federal government.
   
   d. Perform a third party background check of any person who will be employed by the property owner or landlord and who will work on the premises, and provide details of the third party background check procedures to the Kent police department.
   
   e. Perform a third party background check of any tenants, and provide details of the third party background check procedures to the Kent police department.
   
   f. Maintain the property in accordance with applicable building codes pursuant to Ch. 14.01 KCC, and free of nuisances, graffiti, litter, rodents, weeds, and junk vehicles in conformance with Chs. 8.01, 8.04, 8.06, 8.07, and 8.08 KCC as now enacted or hereafter amended.

2. **STAR Level B.** In order to achieve STAR Level B status, the participant shall:
   
   a. Meet all of the requirements of STAR Level C status.
b. Enter and participate in the Kent police department’s trespass authorization program.

c. The landlord and other employees of the landlord who work on the property for more than twenty (20) hours per week shall attend the city of Kent’s landlord training program.

3. **STAR Level A.** In order to achieve STAR Level A status, the participant shall:

a. Meet all of the requirements of STAR Levels B and C.

b. The property owner shall obtain from the Kent police department a security survey to assess the rental property’s compliance with standards relating to crime prevention through environmental design.

c. The property shall comply with RCW 59.18.060 relating to the Residential Landlord-Tenant Act, or RCW 59.20.130 relating to the Manufactured/Mobile Home Landlord Tenant Act, as those sections are now enacted or hereafter amended or recodified.

**SECTION 2.** - **Severability.** If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 3.** - **Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

Suzette Cooke, Mayor

Brenda Jacober, City Clerk
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 15 day of June, 2010.
APPROVED: 15 day of June, 2010.
PUBLISHED: 18 day of June, 2010.

I hereby certify that this is a true copy of Ordinance No. 3968 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBÉR, CITY CLERK

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