

Trespass question: When a public library is a tenant, is the library under an obligation to enforce a landlord's no trespass order to forbid former tenants from coming into the library?

The library is not a party to the No Trespass Order, so they should have no duty to ensure that the Order is enforced. Indeed, it is probably best for the library *not* to be involved in the dispute between the landlord and former tenants. Unless or until (1) the tenants cause issues with the library directly, or (2) the landlord formally involves the library, the library should continue to conduct its business as usual.

There is a duty by the library to provide library services. RCW [27.12.270](#) states in part that "Every library established or maintained under this act shall be free for the use of the inhabitants of the governmental unit in which it is located."

A board of library trustees is empowered to exclude a member of the public under limited circumstances. [RCW 27.12.290](#) states:

A board of library trustees may exclude from the use of the library under its charge any person who willfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities or any person whose physical condition is deemed dangerous or offensive to other library users.

In a 2015 unpublished federal court opinion called *Nappi v. Timberline Regional Library*, 2015 WL 3936308, the court upheld a library's decision to "trespass" a disruptive member of the public from the library. Importantly, the court looked at whether the library patron had been provided a due process opportunity to contest the library's decision.

Another thing to consider is whether a landlord has the authority to "trespass" someone from a tenant's unit (here, the library). A previous inquiry in our database provides some helpful analysis:

"I don't think the landlord can prohibit access to the individual unit if the person is an invited guest, even if access can only be achieved by crossing over common areas. [RCW 9A.52.090](#) provides statutory defenses to the crime of criminal trespass, including that "the actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him or her to enter or remain." Take a look at [Bremerton v. Widell](#), 146 Wn.2d 561 **which held that a tenant is an "other person empowered to license access thereto"** under the statute. In the case, the court held that an invited visitor who had been provided with a no trespass notice by the landlord can proceed through those common areas necessary for ingress/egress to a tenant's unit."