

---

**Judiciary Committee**

---

**HB 1472**

**Title:** An act relating to clean and sober housing.

**Brief Description:** Managing clean and sober housing.

**Sponsors:** Representatives Veloria, Skinner, Eickmeyer, McCoy, Miloscia, McDonald and Condotta.

**Brief Summary of Bill**

- Allows the landlord of "clean and sober" housing to terminate the tenancy of a noncompliant tenant after providing the tenant with a 48-hour written notice of termination and the tenant does not cure the violation within 24 hours.
- Allows the landlord of "clean and sober" housing to evict a noncompliant tenant after providing 24-hour written notice and without obtaining a court order if the tenant commits two violations within a six month period.

**Hearing Date:** 2/13/03

**Staff:** Trudes Tango Hutcheson (786-7384).

**Background:**

A variety of state laws regulate the relationship between landlords and tenants. The Residential Landlord-Tenant Act (RLTA) governs the renting of residential dwelling units. The RLTA establishes the duties and liabilities of landlords and tenants with respect to each other, and provides procedures for each side to enforce its rights.

Some of the tenant's specified duties include the duty to pay rent as required by the rental agreement, keep the premises clean and sanitary, and not engage in drug related activity on the premises.

The landlord may terminate a tenancy if there has been a substantial noncompliance with the tenant's duties. The landlord must give the tenant written notice before termination and, depending upon the circumstances, allow the tenant time to come into compliance. Generally, the tenant has a certain number of days to comply after the landlord provides the

written notice specifying the noncompliance. The number of days required for notice depends on the reasons for the termination of the tenancy.

For example, if the tenant fails to pay rent, the landlord may provide a written 3-day notice to pay rent or vacate the property. If the tenant does not pay within three days and continues to be in possession of the property, the landlord may bring an unlawful detainer action.

An unlawful detainer action is a court process to evict a tenant who remains on the rental premises beyond the time he or she is required to leave. The landlord must serve an "eviction summons" on the tenant, and the tenant has a certain number of days to respond. The landlord may seek a pretrial hearing in court directing the tenant to show cause why the court should not issue a writ of restitution (an order directing the sheriff to evict the tenant).

There are various organizations, such as the Oxford House and Josephinum Associates, that operate nonprofit group housing for people recovering from substance abuse or who have special needs.

### **Summary of Bill:**

"Drug and alcohol free housing" is defined in statute. "Drug and alcohol free housing" means housing in which:

- (a) each of the units on the premises is occupied or held for occupancy by at least one tenant who is a recovering alcoholic or drug addict and is participating in a recovery program;
- (b) the landlord is a nonprofit corporation or a housing authority;
- (c) the landlord provides certain services, such as an employee who monitors the tenants for compliance, individual and group support, and access to a recovery program; and
- (d) the rental agreement includes certain provisions regarding prohibitions against the use, possession, or sharing of alcohol or drugs either on or off premises.

The tenant must provide written verification from the tenant's recovery program that the tenant is participating in the program and not using drugs or alcohol. The landlord has the right to require urine analysis tests at the landlord's discretion and expense.

If the tenant uses, possesses, or shares alcohol or drugs, the landlord may deliver a written notice to the tenant terminating the tenancy. The rental agreement will terminate in not less than 48 hours after delivery of the notice. The tenant may cure the violation by a change in conduct or otherwise within 24 hours after delivery of the notice. If the tenant cures the violation within the 24 hour period, the rental agreement will not terminate.

If a substantially similar violation occurs a second time within 6 months of the previous violation, the landlord may terminate the tenancy with a 24 hour written notice. The tenant does not have the right to cure the subsequent violation.

The landlord does not have to obtain a court order to evict the tenant.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.