
Judiciary Committee

ESB 5389

Title: An act relating to clean and sober housing.

Brief Description: Managing clean and sober housing.

Sponsors: Senators Benton, Prentice, Winsley, Reardon, Roach, Shin, Zarelli, Regala and T. Sheldon.

Brief Summary of Engrossed Bill

- Creates provisions in the Residential Landlord Tenant Act that apply to "drug and alcohol free" housing.
- Allows the landlord of "drug and alcohol free" housing to terminate the tenancy, after providing a 48-hour written notice, if the tenant uses drugs or alcohol and the tenant fails to cure the violation within 24 hours of the written notice.
- Allows the landlord of "drug and alcohol free" housing to evict a noncompliant tenant after providing 24-hour written notice and without obtaining a court order if the tenant commits a second violation within six months of the first violation.

Hearing Date: 4/1/03

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, such as the failure to pay rent or perform other conditions of a rental agreement. The landlord must give the tenant written notice before termination and, depending upon the circumstances, allow the tenant time to comply or cure the violation. Generally, the number of days required for notice depends on the reasons for the termination of the tenancy.

A three-day notice is required if the tenant fails to pay rent. A 10-day notice is required if the tenant fails to perform conditions of the rental agreement. The notice must set forth the noncompliance by the tenant so that the tenant can cure the deficiency. If the tenant fails to comply, 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).

Summary of Bill:

"Drug and alcohol free housing" is defined in the RLTA and 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 under Washington or federal law, a housing authority, or a for-profit business entity;
- (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 six 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 90 days after adjournment of session in which bill is passed.