

SENATE BILL REPORT

ESB 5389

As Passed Senate, February 21, 2003

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 History:

Committee Activity: Financial Services, Insurance & Housing: 2/6/03 [DP].
Passed Senate: 2/21/03, 45-1.

SENATE COMMITTEE ON FINANCIAL SERVICES, INSURANCE & HOUSING

Majority Report: Do pass.

Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Staff: Alison Mendiola-Hamilton (786-7576)

Background: The Residential Landlord-Tenant Act governs landlord-tenant relationships. Tenants living in rental housing designed to be "clean and sober housing" fall under the scope of the Landlord-Tenant Act.

There is a concern that the ability of a landlord to effectively deal with a tenant who violates the rules of the clean and sober housing is substantially limited by the Landlord-Tenant Act.

Summary of Bill: For housing to be designated as "drug and alcohol free," the landlord provides a drug and alcohol free environment, and support for recovery. There is a written rental agreement that specifies the tenant and his or her guests may not use or possess alcohol or illegal drugs. The tenant participates in a program of recovery and reports quarterly to the landlord his or her progress, including verification that the tenant is not using alcohol or illegal drugs.

The landlord has the right to request a urine analysis of the tenant to confirm sobriety, at the landlord's discretion and expense.

The landlord is not required to obtain a court order to evict a tenant. The tenant may be evicted if he or she uses alcohol or illegal drugs, if the tenant first receives written notice from the landlord of the violation. The written notice must state that the rental agreement terminates within 48 hours and the tenant can cure the violation within 24 hours of delivery. If a substantially similar violation occurs twice within six months, the landlord can terminate the tenancy with a 24-hour written notice.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Under current landlord-tenant law, there is not adequate coverage for the unique landlord-tenant relationship that exists in "clean and sober housing." However, some clarifying language would be recommended as a draft in a possible substitute bill. It would only be supported if amendments are made.

Testimony Against: None.

Testified: PRO: Joe Thompson, Archdiocesan Housing Authority; Kevin Glackin-Coby, WA State Catholic Conference; Nick Federici, WA Low-Income Housing Congress.

House Amendment(s): The House amendment clarifies that the provisions are only applicable to federally-assisted "drug and alcohol free housing."