

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5389

58th Legislature
2003 Regular Session

Passed by the Senate April 26, 2003
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 24, 2003
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
ENGROSSED SENATE BILL 5389 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5389

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

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

Read first time 01/23/2003. Referred to Committee on Financial
Services, Insurance & Housing.

1 AN ACT Relating to clean and sober housing; adding a new section to
2 chapter 59.18 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW
5 to read as follows:

6 (1) For the purpose of this section, "drug and alcohol free
7 housing" requires a rental agreement and means a dwelling in which:

8 (a) Each of the dwelling units on the premises is occupied or held
9 for occupancy by at least one tenant who is a recovering alcoholic or
10 drug addict and is participating in a program of recovery;

11 (b) The landlord is a nonprofit corporation incorporated under
12 Title 24 RCW, a corporation for profit incorporated under Title 23B
13 RCW, or a housing authority created under chapter 35.82 RCW, and is
14 providing federally assisted housing as defined in chapter 59.28 RCW;

15 (c) The landlord provides:

16 (i) A drug and alcohol free environment, covering all tenants,
17 employees, staff, agents of the landlord, and guests;

18 (ii) An employee who monitors the tenants for compliance with the
19 requirements of (d) of this subsection;

1 (iii) Individual and group support for recovery; and
2 (iv) Access to a specified program of recovery; and
3 (d) The rental agreement is in writing and includes the following
4 provisions:

5 (i) The tenant may not use, possess, or share alcohol, illegal
6 drugs, controlled substances, or prescription drugs without a medical
7 prescription, either on or off the premises;

8 (ii) The tenant may not allow the tenant's guests to use, possess,
9 or share alcohol, illegal drugs, controlled substances, or prescription
10 drugs without a medical prescription, on the premises;

11 (iii) The tenant must participate in a program of recovery, which
12 specific program is described in the rental agreement;

13 (iv) On at least a quarterly basis the tenant must provide written
14 verification from the tenant's program of recovery that the tenant is
15 participating in the program of recovery and the tenant has not used
16 alcohol or illegal drugs;

17 (v) The landlord has the right to require the tenant to take a
18 urine analysis test regarding drug or alcohol usage, at the landlord's
19 discretion and expense; and

20 (vi) The landlord has the right to terminate the tenant's tenancy
21 by delivering a three-day notice to terminate with one day to comply,
22 if a tenant living in drug and alcohol free housing uses, possesses, or
23 shares alcohol, illegal drugs, controlled substances, or prescription
24 drugs without a medical prescription.

25 (2) For the purpose of this section, "program of recovery" means a
26 verifiable program of counseling and rehabilitation treatment services,
27 including a written plan, to assist recovering alcoholics or drug
28 addicts to recover from their addiction to alcohol or illegal drugs
29 while living in drug and alcohol free housing. A "program of recovery"
30 includes Alcoholics Anonymous, Narcotics Anonymous, and similar
31 programs.

32 (3) If a tenant living for less than two years in drug and alcohol
33 free housing uses, possesses, or shares alcohol, illegal drugs,
34 controlled substances, or prescription drugs without a medical
35 prescription, the landlord may deliver a written notice to the tenant
36 terminating the tenancy for cause as provided in this subsection. The
37 notice must specify the acts constituting the drug or alcohol violation
38 and must state that the rental agreement terminates in not less than

1 three days after delivery of the notice, at a specified date and time.
2 The notice must also state that the tenant can cure the drug or alcohol
3 violation by a change in conduct or otherwise within one day after
4 delivery of the notice. If the tenant cures the violation within the
5 one-day period, the rental agreement does not terminate. If the tenant
6 does not cure the violation within the one-day period, the rental
7 agreement terminates as provided in the notice. If substantially the
8 same act that constituted a prior drug or alcohol violation of which
9 notice was given reoccurs within six months, the landlord may terminate
10 the rental agreement upon at least three days' written notice
11 specifying the violation and the date and time of termination of the
12 rental agreement. The tenant does not have a right to cure this
13 subsequent violation.

14 (4) Notwithstanding subsections (1), (2), and (3) of this section,
15 federally assisted housing that is occupied on other than a transient
16 basis by persons who are required to abstain from possession or use of
17 alcohol or drugs as a condition of occupancy and who pay for the use of
18 the housing on a periodic basis, without regard to whether the payment
19 is characterized as rent, program fees, or other fees, costs, or
20 charges, are covered by this chapter unless the living arrangement is
21 exempt under RCW 59.18.040.

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