
ENGROSSED SENATE BILL 5389

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; amending RCW 59.18.290;
2 adding a new section to 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 section 501(c)(3) tax-exempt nonprofit organization
13 under the internal revenue code, a housing authority created under
14 chapter 35.82 RCW, or a for-profit business entity;

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;

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

3 (iii) Individual and group support for recovery; and

4 (iv) Access to a specified program of recovery; and

5 (d) The rental agreement is in writing and includes the following
6 provisions:

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

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

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

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

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

22 (vi) The landlord has the right to terminate the tenant's tenancy
23 in the drug and alcohol free housing for noncompliance with the
24 requirements of this section.

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

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

14 **Sec. 2.** RCW 59.18.290 and 1973 1st ex.s. c 207 s 29 are each
15 amended to read as follows:

16 (1) It shall be unlawful for the landlord to remove or exclude from
17 the premises the tenant thereof except under a court order so
18 authorizing. Any tenant so removed or excluded in violation of this
19 section may recover possession of the property or terminate the rental
20 agreement and, in either case, may recover the actual damages
21 sustained. The prevailing party may recover the costs of suit or
22 arbitration and reasonable attorney's fees.

23 (2) It shall be unlawful for the tenant to hold over in the
24 premises or exclude the landlord therefrom after the termination of the
25 rental agreement except under a valid court order so authorizing. Any
26 landlord so deprived of possession of premises in violation of this
27 section may recover possession of the property and damages sustained by
28 him, and the prevailing party may recover his costs of suit or
29 arbitration and reasonable attorney's fees.

30 (3) The requirement to obtain a court order in subsections (1) and
31 (2) of this section does not apply to section 1 of this act.

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