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SENATE BILL 6338

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State of Washington

61st Legislature

2010 Regular Session

By Senators Regala, Carrell, Hargrove, Shin, and Kline

Read first time 01/12/10. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to transitional housing for persons at risk of  
2 experiencing homelessness; amending RCW 59.18.040; and adding a new  
3 chapter to Title 19 RCW.

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

5 **Sec. 1.** RCW 59.18.040 and 1989 c 342 s 3 are each amended to read  
6 as follows:

7 The following living arrangements are not intended to be governed  
8 by the provisions of this chapter, unless established primarily to  
9 avoid its application, in which event the provisions of this chapter  
10 shall control:

11 (1) Residence at an institution, whether public or private, where  
12 residence is merely incidental to detention or the provision of  
13 medical, religious, educational, recreational, or similar services,  
14 including but not limited to correctional facilities, licensed nursing  
15 homes, monasteries and convents, and hospitals;

16 (2) Occupancy under a bona fide earnest money agreement to purchase  
17 or contract of sale of the dwelling unit or the property of which it is  
18 a part, where the tenant is, or stands in the place of, the purchaser;

1 (3) Residence in a hotel, motel, or other transient lodging whose  
2 operation is defined in RCW 19.48.010;

3 (4) Rental agreements entered into pursuant to the provisions of  
4 chapter 47.12 RCW where occupancy is by an owner-condemnee and where  
5 such agreement does not violate the public policy of this state of  
6 ensuring decent, safe, and sanitary housing and is so certified by the  
7 consumer protection division of the attorney general's office;

8 (5) Rental agreements for the use of any single family residence  
9 which are incidental to leases or rentals entered into in connection  
10 with a lease of land to be used primarily for agricultural purposes;

11 (6) Rental agreements providing housing for seasonal agricultural  
12 employees while provided in conjunction with such employment;

13 (7) Rental agreements with the state of Washington, department of  
14 natural resources, on public lands governed by Title 79 RCW;

15 (8) Occupancy by an employee of a landlord whose right to occupy is  
16 conditioned upon employment in or about the premises;

17 (9) Residence in a transitional housing program under chapter 19.--  
18 RCW (the new chapter created in section 5 of this act.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply  
20 throughout this chapter unless the context clearly requires otherwise.

21 (1) "At risk of experiencing homelessness" means an individual who:

22 (a) Was released from an institutional setting, such as a  
23 correctional facility or state psychiatric hospital, or was convicted  
24 or adjudicated of a crime within the past twenty-four months;

25 (b) Has been diagnosed as having a mental illness by a certified  
26 professional, such as a psychiatrist, designated mental health  
27 professional, or psychologist with specialized training in mental  
28 illness; or

29 (c) Is a recovering alcoholic or drug addict and is participating  
30 in a program of recovery.

31 (2) "Transitional housing program" means a supportive living  
32 environment for persons at risk of experiencing homelessness. The  
33 purposes of the program include fostering independence, self  
34 sufficiency, and eventual transition to a permanent living arrangement.

35 NEW SECTION. **Sec. 3.** (1) A residence qualifies as a transitional  
36 housing program if:

1 (a) Each of the dwelling units on the premises is occupied or held  
2 for occupancy by at least one person who is at risk of being homeless;  
3 (b) The term of residency is no more than twenty-four months;  
4 (c) Each resident is provided with an intake interview and written  
5 residency agreement;  
6 (d) The program includes a structured plan for monitoring residents  
7 for compliance with the program rules; and  
8 (e) The program includes one or more of the following components:  
9 (i) A clean and sober environment, covering all residents,  
10 employees, staff, and guests;  
11 (ii) Referral for counseling for mental health, chemical  
12 dependency, or personal growth;  
13 (iii) Referral for case management services; or  
14 (iv) A group living environment where all residents agree to  
15 support each other and hold each other accountable.  
16 (2)(a) A residency agreement must be in writing.  
17 (b) A residency agreement must prohibit the resident, whether on or  
18 off of the property, and the resident's guests and invitees from:  
19 (i) Engaging in any criminal activity, including drug-related  
20 criminal activity, on or off the premises. For the purposes of this  
21 subsection, "drug related criminal activity" means the illegal  
22 manufacture, sale, distribution, use, possession, and possession with  
23 intent to manufacture, sell, distribute, or use an illegal or  
24 controlled substance as defined in RCW 69.50.101;  
25 (ii) Engaging in any act intended to facilitate criminal activity  
26 or permitting the dwelling unit to be used for criminal activity;  
27 (iii) Engaging in the unlawful manufacturing, selling, using,  
28 storing, keeping, or giving of an illegal or controlled substance, as  
29 defined in RCW 69.50.101, at any locations, whether on or near the  
30 dwelling unit premises;  
31 (iv) Engaging in any illegal activity including, but not limited  
32 to, prostitution under chapter 9A.88 RCW, criminal street gang activity  
33 under chapter 9.94A RCW, threatening or intimidating as prohibited in  
34 RCW 9A.46.040, assault as prohibited in chapters 9A.36 and 9A.44 RCW  
35 including, but not limited to, the unlawful discharge of a weapon, on  
36 or near the dwelling unit premises or any breach of the lease agreement  
37 that otherwise jeopardizes the health, safety, and welfare of the

1 provider, the provider's agent, or other resident, or involving  
2 imminent or actual serious property damage as defined in RCW 9A.48.010.

3 (c) The residency agreement may include, but is not limited to, the  
4 following requirements:

5 (i) The resident and resident's guests and invitees may not use,  
6 possess, or share alcohol or controlled substances either on or off the  
7 premises in addition to illegal drugs or drug paraphernalia;

8 (ii) The resident authorizes periodic scheduled inspections of the  
9 premises to ensure the property is appropriately cared for;

10 (iii) Restrictions as to the guests and invitees that may visit the  
11 resident on the premises;

12 (iv) The resident must submit to random and for cause breath and  
13 urine testing at the provider's expense and discretion;

14 (v) The resident must declare all medications to staff within  
15 twenty-four hours of being prescribed; and

16 (vi) The resident must take all medications as prescribed.

17 (3) A provider may terminate a person's residency in the  
18 transitional housing program and require a resident to vacate the  
19 premises within forty-eight hours of receipt of written notice for any  
20 of the following reasons:

21 (a) The resident has:

22 (i) Drug paraphernalia;

23 (ii) Misused a controlled substance;

24 (iii) Used or consumed any illegal drug or alcoholic beverage  
25 either on or off of the property;

26 (iv) Failed a breath or urine test; or

27 (v) Declined to cooperate with a testing request;

28 (b) The resident has placed the premises in danger by possessing a  
29 weapon, engaged in illegal activity either on or off of the property,  
30 or engaged in harassment or verbal abuse of staff or other residents;

31 (c) The resident has failed to comply with any other term of the  
32 residency agreement or any general program or visitor rules and has  
33 been given at least three written violation notices;

34 (d) The resident has failed to pay any amounts due to the provider  
35 within ten days of the due date;

36 (e) The resident has not been in contact with staff for five days  
37 or more;

1 (f) The resident has returned to the physical custody of the  
2 department of corrections or other agency.

3 (4) If the resident fails to vacate the premises within the forty-  
4 eight hour period set forth in subsection (3) of this section, the  
5 resident may be treated as a trespasser, and the provider may enlist  
6 the immediate cooperation of law enforcement in removing the individual  
7 from the premises without having to obtain a court order or writ of  
8 restitution.

9 (5) If the resident's residency was terminated other than for  
10 cause, within thirty days of the termination, the provider shall  
11 provide the resident with a written reference. The written reference  
12 must contain the following information:

13 (a) The dates of the resident's residency in transitional housing;

14 (b) The resident's payment history;

15 (c) The resident's ability to get along with other residents living  
16 on the premises;

17 (d) The appropriateness of the resident's interactions with the  
18 provider;

19 (e) The resident's care of his or her unit on the premises; and

20 (f) The provider's assessment of the resident's desirability as a  
21 resident.

22 NEW SECTION. **Sec. 4.** A provider of transitional housing is not  
23 liable for civil damages arising from the criminal conduct of the  
24 resident to any greater extent than a regular resident, and no special  
25 duties are created under this section.

26 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act constitute  
27 a new chapter in Title 19 RCW.

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