

ESB 5389 - H COMM AMD  
By Committee on Judiciary

ADOPTED 04/16/2003

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

10 (b) The landlord is a nonprofit corporation incorporated under  
11 Title 24 RCW, a corporation for profit incorporated under Title 23B  
12 RCW, or a housing authority created under chapter 35.82 RCW;

13 (c) The landlord provides:

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

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

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

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

20 (d) The rental agreement is in writing and includes the following  
21 provisions:

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

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

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

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

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

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

13 (2) For the purpose of this section, "program of recovery" means a  
14 verifiable program of counseling and rehabilitation treatment services,  
15 including a written plan, to assist recovering alcoholics or drug  
16 addicts to recover from their addiction to alcohol or illegal drugs  
17 while living in drug and alcohol free housing. A "program of recovery"  
18 includes Alcoholics Anonymous, Narcotics Anonymous, and similar  
19 programs.

20 (3) If a tenant living for less than two years in drug and alcohol  
21 free housing uses, possesses, or shares alcohol, illegal drugs,  
22 controlled substances, or prescription drugs without a medical  
23 prescription, the landlord may deliver a written notice to the tenant  
24 terminating the tenancy for cause as provided in this subsection. The  
25 notice must specify the acts constituting the drug or alcohol violation  
26 and must state that the rental agreement terminates in not less than  
27 three days after delivery of the notice, at a specified date and time.  
28 The notice must also state that the tenant can cure the drug or alcohol  
29 violation by a change in conduct or otherwise within one day after  
30 delivery of the notice. If the tenant cures the violation within the  
31 one-day period, the rental agreement does not terminate. If the tenant  
32 does not cure the violation within the one-day period, the rental  
33 agreement terminates as provided in the notice. If substantially the  
34 same act that constituted a prior drug or alcohol violation of which  
35 notice was given reoccurs within six months, the landlord may terminate  
36 the rental agreement upon at least three days' written notice

1 specifying the violation and the date and time of termination of the  
2 rental agreement. The tenant does not have a right to cure this  
3 subsequent violation.

4 (4) Notwithstanding subsections (1), (2), and (3) of this section,  
5 housing that is occupied on other than a transient basis by persons who  
6 are required to abstain from possession or use of alcohol or drugs as  
7 a condition of occupancy and who pay for the use of the housing on a  
8 periodic basis, without regard to whether the payment is characterized  
9 as rent, program fees, or other fees, costs, or charges, are covered by  
10 this chapter."

11 Correct the title.

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