

1 **ESB 5389 - H AMD 0499 ADOPTED 4/24/03**
2 By Representative Veloria

3 Strike everything after the enacting clause and insert the
4 following:

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

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

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

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

18 (c) The landlord provides:

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

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

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

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

25 (d) The rental agreement is in writing and includes the
26 following provisions:

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

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

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

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

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

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

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

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

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

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

EFFECT: Makes the bill applicable only to federally assisted
"drug and alcohol free" housing.