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## Judiciary Committee

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### HB 1894

**Title:** An act relating to intermediate tenancies for persons with criminal backgrounds or substance abuse issues.

**Brief Description:** Concerning intermediate tenancies for persons with criminal backgrounds or substance abuse issues.

**Sponsors:** Representative Goodman.

#### Brief Summary of Bill

- Establishes a new type of tenancy, called an intermediate tenancy, to provide a supportive living program for certain persons with criminal backgrounds or chemical addictions.
- Establishes provisions governing: qualifications for intermediate tenancies; mandatory and authorized provisions of intermediate tenancy agreements; circumstances allowing termination of intermediate tenancies; and other issues.

**Hearing Date:** 2/16/11

**Staff:** Edie Adams (786-7180).

#### Background:

The Residential Landlord-Tenant Act (RLTA) regulates the creation of residential tenancies and the relationship between landlords and tenants of residential dwelling units. The RLTA establishes rights and duties of both tenants and landlords, procedures for the parties to enforce their rights, and remedies for violations of the act. A tenant's duties include the duty to pay rent, keep the premises clean, not intentionally destroy property, maintain smoke detector devices, and not engage in drug activity or certain other activity that is dangerous to others.

The landlord may terminate a tenancy if there has been a substantial noncompliance with the tenant's duties. The landlord must give the tenant written notice before termination and,

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depending upon the circumstances, allow the tenant time to come into compliance. The number of days required for notice depends on the reasons for the termination of the tenancy. A three-day notice is required if the tenant fails to pay rent or is committing waste or a nuisance on the property. A 10-day notice is required if the tenant fails to perform conditions of the rental agreement. If a tenant fails to comply or vacate the premises, the landlord may bring an unlawful detainer action to evict the tenant.

To initiate an unlawful detainer action, the landlord must serve the tenant with a summons and complaint, which must designate a specific date by which the tenant must respond. The landlord may also request a show cause hearing directing the tenant to appear in court and show why a writ of restitution (an order directing the sheriff to physically evict the tenant) should not be issued. The court will examine the parties at the show cause hearing and determine whether the landlord has the right to be restored to possession of the property. Once a writ of restitution is ordered, the sheriff has a certain amount of time to physically evict the tenant.

Certain living arrangements are exempt from the RLTA. These include residence at an institution, residence in a hotel, residence in housing provided to seasonal agricultural employees, and occupancy by an employee whose right to occupy the premises is conditioned on employment.

### **Summary of Bill:**

A new type of tenancy called an intermediate tenancy is created. An intermediate tenancy is a voluntary agreement between a landlord and an eligible tenant to provide a supportive living environment for persons with criminal backgrounds or addiction issues. A person is an eligible tenant if the person: was released from a correctional facility or convicted or adjudicated of a crime within the past 24 months; or is a recovering alcoholic or drug addict and is participating in a program of recovery.

Intermediate tenancies must meet a number of requirements. The term of the tenancy cannot exceed 24 months and each dwelling unit must be occupied by at least one eligible tenant. Each tenant must be provided with an intake interview and written intermediate tenancy agreement. In addition, the landlord must have a supportive living program that includes a structured plan for monitoring tenants for compliance with the program rules and at least one or more of the following components:

- a clean and sober environment covering all tenants, employees, staff, and guests;
- referral services for counseling to meet the tenant's needs;
- referral for case management services; or
- a group living environment where all tenants agree to hold each other accountable.

An intermediate tenancy agreement must be in writing and prohibit the tenant from engaging in any criminal activity or permitting the unit to be used for criminal activity. The agreement may include terms relating to prohibiting the use of alcohol or drugs on or off the premises, authorizing periodic scheduled inspections, restricting visitation, and submitting to breath and urine testing at the landlord's discretion.

A landlord is allowed to terminate an intermediate tenancy and require the tenant to vacate within 48 hours of written notice if the tenant has:

- used drugs or alcohol, failed a breath or urine test or refused to cooperate with a testing request, or been found with drug paraphernalia;
- engaged in illegal activity or harassment or verbal abuse of staff or other tenants;
- failed to pay any amounts due within 10 days of the due date;
- not been in contact with staff for five days or more;
- returned to the custody of the Department of Corrections; or
- failed to comply with other terms and has had at least three prior violation notices.

A tenant's failure to vacate after termination of the tenancy constitutes criminal trespass and the landlord may have law enforcement remove the person from the premises without a court order or writ of restitution. Local governments, public agencies and officials, and public employees, are immune from liability for assisting a landlord in the removal of the tenant under these circumstances.

Landlords are required to provide a written rental reference for a tenant within 30 days of the end of the tenancy, unless the tenancy was terminated for cause. The reference must include information regarding the tenant's payment history and other specified information relating to the tenant's conduct during the tenancy.

A landlord who enters into an intermediate tenancy agreement is not liable for damages caused by the criminal conduct of the tenant to any greater extent than a regular tenant.

Local regulations and ordinances are preempted to the extent they conflict with the act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.