

Tenants' Rights: My Place Has Been Condemned

Should I read this?

Yes, if your landlord has gotten notice that your rental home will be condemned or unlawful to occupy. If a fire/code enforcement official or other government agency orders you to move out because of code violations, you may be able to get help moving. [RCW 59.18.085](#).

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- ❖ This applies if the home you rent is a house, apartment, long-term hotel room, or mobile home.
 - ❖ It applies even if you have no written rental agreement.
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Can I get financial help to move?

Maybe, if the city/county/other agency:

- Issues your landlord a notice of condemnation.
- Notifies your landlord that you cannot keep living there because of code violations.

The landlord must pay you relocation assistance if both these are true:

- The agency **issues a condemnation notice or declares it unlawful for anyone live in** your home due to housing/building/fire code violations.
- **The landlord knew or should have known** about the conditions.

How much help can I get?

You can get whichever of these is more:

- Three times your monthly rent.
- \$2,000.

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- ❖ The landlord must return your entire security deposit and any prepaid rent.
 - ❖ The landlord must pay for any damages you have suffered from the condemnation/eviction/displacement, if they are more than the relocation assistance amount.
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When and how does the landlord pay me?

The landlord must pay the relocation money, security deposit, and any damages within **seven days** after the agency sends the landlord the condemnation/eviction/displacement notice. The landlord must pay by certified check. The payment must go either to you OR to the agency that ordered the condemnation/eviction/displacement.

The landlord did not pay me within the seven days. Now what?

The city/county may advance you the cost of the relocation assistance. If they will not, send the landlord a letter yourself asking for what the landlord owes you. (See sample letter attached.) Send your letter by both certified mail, return receipt requested and regular mail. Keep a copy of it for yourself.

If the landlord does not pay or respond, you must file in small claims court. Go to the county courthouse. Ask for the small claims department. (See the attached sample language.) For more help, contact CLEAR at the contact info below.

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- ❖ Relocation assistance under [RCW 59.18.085](#) does not count as income in determining your eligibility for public assistance or imposing taxes under state law.
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What if the landlord is harassing me?

Once the government agency notifies your landlord about code violations, and until your landlord either fixes them or gives you relocation assistance, the landlord **may not**:

- Evict/harass/intimidate you into moving out to get out of paying relocation assistance.
- Reduce your services.
- Increase/change your tenant obligations, including raising rent.

What if I think the landlord has violated my rights?

- **Apply online with [CLEAR*Online](#)**
- <https://nwjustice.org/get-legal-help>
or

- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for info and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211's website at www.resourcehouse.com/win211/.
- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost to callers.

Free legal education publications, videos and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of June 2017.

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Sample Letter:

Mr. Joe Landlord
123 Mold Street
Dollar, WA 98999

Certified Mail # _____

Dear Mr. Landlord,

I was a tenant in your building at 115 N. Main Street, Dollar, Washington. I had to move on short notice when the City of Dollar condemned the building.

I understand that the City of Dollar notified you about the building's code violations . Under the Residential Landlord-Tenant Act, you must pay me \$ [insert either three times monthly rent or \$2,000, whichever is more] to help me move. You must also return my \$ [amount] security deposit, [amount] prepaid rent for the month I had to move, and my last month's rent of \$ [amount].

Please mail the entire amount of \$_____ to me at my new address: 456 Sunshine Way, Dollar, WA 98999. If I do not receive your check by [date], I may file a lawsuit to recover my relocation assistance payment, security deposit, prepaid rent, and any actual damages that exceed the relocation assistance payment. If I win, you may also have to pay the costs of this lawsuit and my attorney fees.

Sincerely,

Sample Court Statement if you file a small claims court action:

Your Honor, on January 7, 2012, I rented an apartment from defendant, Joe Landlord. I paid a \$600 security deposit and \$650 for last month's rent. Here are copies of my rental agreement and deposit and rent receipts. On April 6, 2012, the City of Dollar posted the attached notice on my door stating the place is unsafe because of code violations and that I have to move. I moved out on April 13. On April 16, 2012, I sent my landlord the attached letter asking for relocation assistance. I waited one week. When the landlord did not respond, I filed this lawsuit. Here is a copy of the sheriff's affidavit showing he served my landlord with my claim more than five days before trial. Under RCW 59.18.085, I believe I am entitled to relocation assistance of \$2,000.00 and return of my security deposit, sixteen days of prepaid rent for April, and last month's rent. I also ask for reimbursement of my filing fee and the service fee the sheriff charged me. I would be glad to answer any questions you have.