

# City of Vancouver Tenants: New Right to 45-Day Notice of Your Rent Going Up

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## Should I read this?

**Yes, if** you are a tenant (you rent your dwelling unit) in the City of Vancouver, Washington. A new city ordinance (law) gives you the right to more notice from the landlord if s/he decides to raise your rent by ten percent (10%) or more. Vancouver Municipal Code (VMC) 8.46.

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- ❖ This new ordinance does **not** apply to you if you live in unincorporated Vancouver (outside city limits). This map shows city limits: <http://tinyurl.com/o28f68a>.
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## Why more notice?

The Vancouver housing market is experiencing very low vacancy rates and high rents. Low-income renters are having a hard time finding affordable rentals. Many renters facing a rent increase may need to move or make more money to afford the new rent. Low-income households are most likely to be negatively impacted by a big rent hike and need extra time to get ready for the change.

## How much notice will I get under the new ordinance?

A landlord who wants to raise your rent **by ten percent (10%) or more than the rent s/he charged during the past twelve months of the tenancy** must give you a forty-five (45) day written notice of the increase,

rather than the thirty-day written notice state law requires ([Residential Landlord Tenant Act](#) at [RCW 59.18.140](#)).

## When do I start paying the new rent amount?

A landlord must give you the rent increase notice 45 days before the end of your rental term for the new rent to apply on the next rental due date after that, unless you and the landlord have agreed that it may become effective sooner. (See [RCW 59.18.140](#).)

**Example:** Your rent is due on the first day of each month. You have a month-to-month tenancy. The landlord wants to raise your rent by January 1. S/he must give you a notice of rent increase by mid-November.

If you receive a rent increase notice and have questions about when to start paying the new amount, talk to a lawyer. This area of law is new and still developing. This publication provides general advice only and is not a substitute for advice from a lawyer about your situation.

## Does the new ordinance apply to all landlords in the City of Vancouver?

**Yes.** It applies to:

- all rental agreements and leases entered into after October 21, 2015  
AND

- all existing rental agreements and leases that are renewed after October 21, 2015

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❖ Landlords should include this provision in each rental agreement and lease.

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### When does the ordinance take effect?

October 21, 2015.

### What if the landlord raises my rent by 10% but does not give me enough notice?

Any rent increase that DOES NOT comply with this ordinance is unenforceable. The landlord may not issue a three-day notice to pay or vacate, charge a late fee, or bring an eviction action for not paying the increased amount.

We DO NOT recommend, however, that you ignore a rent increase notice that does not comply with the ordinance. If you do, you risk a landlord filing an eviction lawsuit (unlawful detainer) against you. Even if you win in court, the lawsuit stays on your permanent record. This will make it hard to find a new rental in the future. If you get a rent increase notice and are unsure if it is valid, **talk to a lawyer immediately**. This area of law is new and still developing. This publication provides general advice only and is not a substitute for advice from a lawyer about your situation.

### I am looking for a place to rent. I talked to a landlord who wants to rent to me. The lease the landlord showed me wants me to give up my right to the 45-day notice. Can I sign away my right to this notice?

**Maybe, but** we do not recommend this. A landlord may only use a rental agreement that has you waive (give up) your right to a 45-day notice of rent increase **if**:

- You and the landlord agree in writing AND
- the agreement is not in a standard form rental agreement (must be a separate form) AND
- the landlord does not have substantially greater bargaining power than you AND
- a lawyer representing you has approved of the waiver in writing

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❖ If a landlord asks you to sign a rental agreement where you waive your right to a 45-day notice of a 10% or higher rent increase, talk to a lawyer. If you are low-income, [you may apply online](#) or call 1-888-201-1014 to speak with a free lawyer or paralegal at CLEAR.

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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 October 2015.

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