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Can I change the date my rent is due?

❖ Read this only if you live in the state of Washington.

Should I read this?

Washington has changed its landlord-tenant law. Starting June 11, 2020, if you are a tenant renting the place where you live, you can ask the landlord to change the date your rent is due. This will also limit the landlord's ability to charge you late fees. We discuss these changes to the law here.

Who can make a request to change the date their rent is due?

Any tenant can ask.

Does the landlord have to change the rent due date if I ask?

It depends.

Under the law, the landlord must agree to your request if your main source of income is government assistance. (This includes TANF, SSD, SSI, ABD, and so on.)

If your income mainly comes from other sources, the landlord **can but does not have to** change the due date.

My rent is due on the 1st of the month. I get charged late fees if I do not pay on time. How soon do I have to pay rent without having to pay a late fee?

Under the law, the landlord cannot charge you a late fee until your rent goes unpaid for more than 5 days after the due date.

Example 1: Your rent is due on the 1st of the month. You pay the rent by the 6th of the month. **The landlord cannot charge you late fees.**

Example 2: Your rent is due on the 1st of the month. You do **not** pay the rent by the 6th. **The landlord can charge you late fees starting from the date the rent was due.**

❖ A landlord can still give you a notice to pay or vacate (move) if you do not pay rent by the due date.

I can't pay rent by the due date. Can I ask the landlord to change the date my rent is due?

Yes. Under the law, the landlord must agree to change the day the rent is due by up to 5 days if both of these are true:

- 1.** You ask in writing.
- 2.** Your main source of income is government assistance. You do not get this assistance until after the date rent is due.

Example: Your rent is currently due the 1st of the month. You can ask the landlord to change the due date to the 6th of the month if you do not get your regular monthly assistance by the 1st of the month. The landlord could not charge you late fees if you pay your rent on or before the 11th of the month.

❖ If you need to request a change, you can use the sample letter below.

I need more time than 5 days because of when I get my monthly assistance.

Not all government assistance is received at the beginning of the month. For example, many Social Security recipients do not receive their monthly payments until the second or the third Wednesday of each month.

If you have a disability, and you need more than a change of 5 days for when your rent is due, you can ask for a reasonable accommodation. If you need to request a reasonable accommodation, you can use the sample letter below.

What if I need legal help?

- **Outside King County:** Call the CLEAR Hotline at 1-888-201-1014 weekdays from 9:15 a.m. - 12:15 p.m.
- **In King County:** Call 2-1-1 for information and referral to a legal services provider weekdays from 8:00 am – 6:00 pm.
- **Persons 60 and over** can call CLEAR*Sr at 1-888-387-7111 (statewide).
- **Deaf, hard of hearing or speech impaired callers** can call CLEAR or 211 (or toll- free 1-877-211-9274) using the relay service of your choice.
- **Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help)** - nwjustice.org/get-legal-help
- You can also get information on legal service providers throughout Washington through 211's website at www.resourcehouse.info/win211/Index.

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

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You can use this form to propose a change in the due date of your rent:

Dear _____:

My name is _____. I am your tenant, living at:
_____ [address].

I am writing to request a change in the due date of my rent. I receive government assistance in the form of _____ [list governmental assistance, for example, SSI, TANF, and so on]. I do not receive this assistance until the _____ day of each month.

My rent is currently due on the _____ day of the month. I am requesting the new due date for when my rent to be the _____ day of each month [no more than 5 days after the current due date].

I hope we can work together on this. I look forward to hearing back from you.

Sincerely,

Tenant Signature

Date signed

You can use this form to make a reasonable accommodation request

Dear _____:

My name is _____. I am your tenant, living at:
_____ [address].

I am writing to request a reasonable accommodation pursuant to the Fair Housing Amendments Act (FHAA) and the Washington Law Against Discrimination (WLAD) to allow me to change the date of when my rent is due. The FHAA and the WLAD require housing providers “to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person(s) equal opportunity to use and enjoy a dwelling.”

My primary source of income is Social Security benefits. I do not receive these payments until the _____ day of each month. Due to my disability, I survive on a fixed income. I am unable to be gainfully employed in order to earn additional income. Because of the timing of my Social Security payments, I cannot pay rent before it is due, and I have to pay a late fee every month.

I am requesting a change in the date my rent is due based on the timing of my monthly payment, so I can pay rent without having to pay a late fee. Without this change, I will not have an equal opportunity to use and enjoy the property.

I am requesting the new due date for rent to be the _____ day of each month. If this date does not work for you, please contact me so we can discuss the situation. I really hope we can work together on this. I look forward to hearing back from you.

Sincerely,

Tenant Signature

Date signed