

# 2019 Changes to Washington's Landlord/Tenant and Eviction Laws

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## Tenants and Landlords: Read this!

The laws affecting tenants, landlords and the eviction process changed in a major way in 2019. The changes go into effect on July 28, 2019.

### What will you learn by reading it?

- What are the main changes to the laws
- Where to get more information

### What does the law say?

Washington's state laws are called the **Revised Code of Washington (RCW)**. The most important laws affecting tenants and landlords are found in the **Residential Landlord-Tenant Act** (RCW 59.18). The Eviction process (Unlawful Detainer) laws are found in RCW 59.12. Both laws were changed in major ways.

#### ➤ **Tenants have more time (14 Days) to catch up on rent.**

Up until July 27, 2019: if a tenant fell behind on rent (even by one day), the landlord would give them a "3 Day Notice to Pay or Vacate." If the tenant couldn't pay all the rent within 3 days, the landlord could file an eviction lawsuit against them. The landlord did not have to accept partial payment or payment plans.

As of July 28, 2019: if a tenant is a day late in rent, the landlord must give them a **14 Day Notice to Pay or Vacate**. The tenant then has 14 days to pay the rent. After that, the landlord may file an eviction lawsuit.

The law also includes a mandatory 14 Day Notice to Pay or Vacate form that landlords must use.

#### ➤ **More tenants will be able to pay and stay in their home.**

Previously, once an eviction lawsuit started, most tenants could not stay—even if they could pay the landlord all the back-rent, late fees, and attorney fees that they owed. Now, more tenants will be able to pay back the rent they owe. More tenants will be able to pay to avoid eviction and homelessness.

For one thing, judges now have more flexibility to create payment plans that work for both tenants and landlords. More tenants will be able to catch up on rent through payment plans, and have more time to seek help through charities and other agencies to pay landlords (even month-to-month tenants).

➤ **Tenants can't be evicted for not paying charges that aren't "rent".**

Previously, landlords could take a tenant's rent payments and apply them towards other kinds of "non-rent" charges – late fees, disputed repair bills, other kinds of one-time penalties. Now, landlords must apply a tenant's rent payments towards rent (and some regular, monthly utility payments) first.

Landlords can still try to evict a tenant if they fall behind on rent (after giving a 14 Day Notice) but they can't try to evict a tenant for falling behind on "non-rent" fees and penalties. (Landlords can still sue to try to collect these charges later, for example, in Small Claims Court).

➤ **New limits on attorneys' fees.**

Previously, even if a tenant lost an eviction lawsuit by default (because they weren't able to respond in time or because they were not able to show up), the landlord could still collect attorneys' fees from them through an eviction judgment.

Now, attorneys cannot collect fees in a default judgment (like where a tenant cannot respond in time or just moves out).

Attorneys' fees are also limited in cases where tenants owe less than 2 months' rent or less than \$1200.

➤ **More landlords may give tenants eviction papers by taping on the door and mailing.**

A landlord still must use "due diligence" to personally hand eviction papers to a tenant in person at home.

Previously, if that didn't work, the landlord had to get a judge's permission to serve eviction papers by taping on the door and mailing.

Now, after 3 diligent attempts (over 2 days) to serve a tenant in person, some landlords may be able to post and mail eviction papers without a judge's permission.

➤ **60 days' notice required for most rent increases.**

Previously, a landlord could give a written notice 30 days in advance to raise the rent on a month-to-month tenant. Now, landlords must give at least 60 days' notice (in almost all cases).

Also, landlords can't raise your rent during the middle of your rental period (unless you live in certain subsidized housing units where your rent changes when your income changes).

➤ **120 days' notice required before major renovations.**

Previously, a developer who wanted to change an apartment's use or completely renovate it could give all month-to-month tenants 20 days' notice before ending their tenancies.

Now, landlords must give tenants 120 Days' notice before making major changes to the use of an apartment building or completely remodeling it (and making everyone leave).



**Warning!**

The laws affecting landlords and tenants can be complicated, especially right after big changes like this.

This information gives just a basic summary. Landlords and tenants should both know there are some important exceptions to these laws!

You can find much more detailed information on [WashingtonLawHelp.org](http://WashingtonLawHelp.org).

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