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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____

Plaintiff
(*landlord*)

v.

Defendant(s)
(*tenant*)

Case No.: _____

MOTION TO REINSTATE TENANCY
UNDER RCW 59.18.410(2)
and
MOTION FOR ORDER OF LIMITED
DISSEMINATION
UNDER RCW 59.18.367.

Defendant moves the Court to reinstate the tenancy after unlawful detainer pursuant to RCW 59.18.410(2):

I. Relief Requested

I ask the Court to reinstate my tenancy and allow me to continue living in my rental unit because I paid \$_____ (amount of rent, late fees, court costs, and attorneys' fees owed) to my landlord or their attorney or to the court, OR

I offered to pay \$_____ to my landlord or their attorney and they did not accept it.

1 I also want the Court to

2 Issue an Order for Limited Dissemination under RCW 59.18.367

3 Quash any Writ of Restitution

4

5 II. Declaration

6 I paid \$_____ to my landlord or the court on _____ (date) OR

7 I offered to pay \$_____ on _____ (date) but my landlord or their

8 attorney would not accept the payment. This amount was the total of any rent due, any

9 court costs incurred at the time of payment, late fees (if such fees are due under the


10 lease and do not exceed \$75.00 in total), and attorneys' fees if awarded.

11 I declare under penalty of perjury of the laws of the state of Washington that the

12 forgoing is true and correct.

13 Signed at (*city and state*): _____ Date: _____

14

15  _____
16 *Defendant signs here* *Print name*

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18 III. Evidence Relied Upon

19 This motion is based on Defendant's declaration above and the filings and pleadings in

20 this case.

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1 IV. Argument

2 A. A tenant may reinstate their tenancy under RCW 59.18.410 (2) at any time prior
3 to five court days after a hearing, including prior to the hearing.

4 Under the recently amended RCW 59.18.410(2), a tenant may reinstate the
5 tenancy at any time up to 5 court days after a hearing. To reinstate, they must pay the
6 rent owed, a late fee of up to \$75.00 (if provided for in the lease), any court costs incurred
7 at the time of payment, and any attorneys' fees (if awarded under RCW 59.18.410(1) as
8 provided in RCW 59.18.290). The relevant paragraph of RCW 59.18.410(2) states:

9 (2) When the tenant is liable for unlawful detainer after a default in the
10 payment of rent, execution upon the judgment shall not occur until the
11 expiration of five court days after the entry of the judgment.

12 Before such time has expired, the tenant [...] or other party interested in the
13 continuance of the tenancy, may pay into the court or to the landlord the
14 amount of the rent due, any court costs incurred at the time of payment, late
15 fees if such fees are due under the lease and do not exceed seventy-five
16 dollars in total, and attorneys' fees if awarded, in which event any judgment
17 entered shall be satisfied and the tenant restored to his or her tenancy.

18 Under the recently amended RCW 59.12.030(3), a tenant is "liable for unlawful
19 detainer" when "he or she continues in possession [...] after a default in the payment of
20 rent", and after notice in writing requiring payment of the rent or surrender of the
21 premises, and after "the period of fourteen days after service for tenancies under chapter
22 59.18 RCW."

23 Thus, the tenant's liability for unlawful detainer after a default in the payment of
rent begins just after the period of 14 days after service of a "Fourteen-Day Notice to
Pay Rent or Vacate the Premises." This date would also be the first date available for
the tenant to be restored to his or her tenancy under RCW 59.18.410(2), so long as the

1 tenant pays the amount of the rent due and any late fees (if such fees are due under the
2 lease and do not exceed seventy-five dollars in total).

3 After court costs have been incurred (but before any judgment is entered), the
4 tenant may pay the amount of rent due, plus any court costs incurred at the time of
5 payment, plus late fees (up to \$75.00) and then be restored to his or her tenancy.

6 After a judgment has been entered, the tenant still has five court days to pay the
7 amount of the rent due, plus any court costs incurred, plus late fees (up to \$75.00), plus
8 attorneys' fees if awarded, and then the tenant shall be restored to his or her tenancy.
9 Additionally, any judgment entered shall be satisfied and the landlord shall file a
10 satisfaction of judgment with the court. RCW 59.18.410(2).

11 Because the Defendant has tendered the appropriate amount of rent, costs
12 and/or fees to the Plaintiff, this court should order the Defendant's tenancy reinstated
13 under RCW 59.18.410(2).

14
15 B. As Defendant Has Reinstated the Tenancy Under RCW 59.18.410, the Court
Should Issue an Order of Limited Dissemination.

16 Under RCW 59.18.367(1)(b), a court may order an unlawful detainer action to
17 be of limited dissemination if the tenancy was reinstated under RCW 59.18.410 or
18 other law. As Defendant has reinstated under RCW 59.18.410(2), the Court should
19 issue an Order barring the disclosure of the existence of this unlawful detainer action
20 in a tenant screening report or using it as a factor in determining any score or
21 recommendation in a tenant screening report.
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23

V. Conclusion

For the reasons stated herein, Defendant seeks an Order reinstating the tenancy,
quashing any Writ of Restitution and an Order of Limited Dissemination.

Signed at (*city and state*): _____ Date: _____

▶ _____
Defendant signs here *Print name*