Landlord-Tenant Laws in the Time of COVID-19.

Moratorium on Evictions.

On April 16, 2020, Governor Inslee extended his order of emergency moratorium on evictions in the state of Washington to June 4, 2020. It is likely this order will be continued again prior to expiration. Under this order:

1. Landlords many not evict tenants for ANY reason, unless eviction is necessary to prevent endangering the health and safety of others;
2. Landlords may not retaliate or threaten retaliation to non-paying tenants;
3. Landlords many not charge or threaten to charge late fees or interest;
4. Landlords may not increase or threaten to increase rent.

Landlords are also prohibited from collecting unpaid rent unless the landlord offered a reasonable payment plan, taking the tenant’s circumstances into consideration, and the tenant refused or failed to comply with the plan.

Mandatory Payment Plan in Seattle

On May 11, the Seattle City Council and Mayor Durkan passed a bill requiring landlords to offer payment plans to residential tenants during the declared emergency of the COVID-19 pandemic plus six months thereafter. This means that if a tenant is unable or fails to pay their rent during this emergency or during the 6-month period after the emergency is lifted, then landlords must offer installment plans for tenants to pay their overdue rent.

Landlords also may not assess any late fees, interest, or other charges due to late payment of rent within one year after Seattle’s coronavirus emergency ends.

Under the bill, tenants may pay their overdue rent in monthly installments as follows:

* Up to one month of overdue rent will be paid in three installments (meaning landlords cannot require tenants to pay more than 33% of the late rent within any one month);
* Over one month and up to two months of overdue rent will be paid in five installments (meaning landlords cannot require tenants to pay more than 20% of the late rent within any one month);
* Over two months of rent will be paid in six installments (meaning landlords cannot require tenants to pay more than 16.66% of the late rent within any one month).

Landlords and tenants are encouraged to mutually agree in writing to alternative schedules to best address their specific circumstances.

What should tenants do?

1. If you cannot pay rent, communicate with your landlord and mutually agree in writing to a payment plan – at minimum, your landlord must offer a payment plan to you. If you are a resident of Seattle, the payment plan must at minimum follow the above schedule, though you can also negotiate for a schedule that better suits your needs.
2. If your landlord serves notice of eviction or threatens eviction:
	1. Notify your landlord in writing that eviction is prohibited in Washington during this time. Provide a courteous reminder that violation of the Governor’s order may result in “criminal penalties pursuant to RCW 43.06.220(5),” including gross misdemeanor. The Northwest Justice Project also has sample letters to use in correspondence with your landlord: [here](https://www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/8F554B69-C055-42DF-937D-D57A5F5D1D3A/6308en_sample-letters.pdf).
	2. File a complaint with the Washington Attorney General [here](https://fortress.wa.gov/atg/formhandler/ago/COVID19EvictionComplaintForm.aspx).
	3. If you are a resident in the city of Seattle, contact the city Department of Construction and Inspection at 206-684-5700 to make a complaint for enforcement of the moratorium on evictions.
	4. Maintain a paper trail and record of all communications with your landlord – this can be helpful down the road in any litigation regarding your rights.

For immediate housing assistance, please note the following additional resources:

1. King County – call 211 or the Housing Justice Project at (253) 234-4204.
2. Outside King County – Northwest Justice Project’s hotline at 1-888-201-1014 weekdays between 9:15 am and 12:15 pm.