

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5600

Chapter 356, Laws of 2019

66th Legislature
2019 Regular Session

RESIDENTIAL TENANTS--VARIOUS PROVISIONS

EFFECTIVE DATE: July 28, 2019



First major amendments to Washington's eviction process since enactment in 1973, 46 years ago.





PROPERTY TAX DELINQUENCIES & HOME FORECLOSURES 1/18/19
CHELSEA HICKS
ATTORNEY, NORTHWEST JUSTICE PROJECT
HOUSE LOCAL GOVERNMENT COMMITTEE



ESHB 1582 MANUF./MOBILE HOME TENANTS 3/25/19
CARRIE GRAF
NORTHWEST JUSTICE PROJECT
SENATE HOUSING STABILITY & AFFORDABILITY COMMITTEE



NEW SECTION. Sec. 1.

It is declared to be the public policy of the state and a recognized governmental function **to assist residents who are experiencing a temporary crisis in retaining stable housing**, and by so doing to contribute to the general welfare.

Decent housing for the people of Washington state is a most important public concern.

An escalation of rents and scarcity of housing supply have made it difficult for many Washingtonians to obtain stable housing, **especially if they lose housing after experiencing an extraordinary life event** that temporarily leaves them without resources and income.

It is the long-standing practice of the state to make rental assistance available in many such urgent situations, and **it is the intent of the legislature to provide a payment on the tenant's behalf to the landlord in certain eviction proceedings** to give the tenant additional time to access resources that allow the tenants to stay in their home.

RENT

=

≠

utilities

RENT

recurring, periodic charges identified in lease for use and occupancy

deposits*

*deposits as part of payment plans at commencement of tenancy

nonrecurring charges

late fees

damages

deposits

legal fees

court costs

NOT RENT!

RENT

\$

(1) A LL must first apply any payment toward rent...

1

RENT

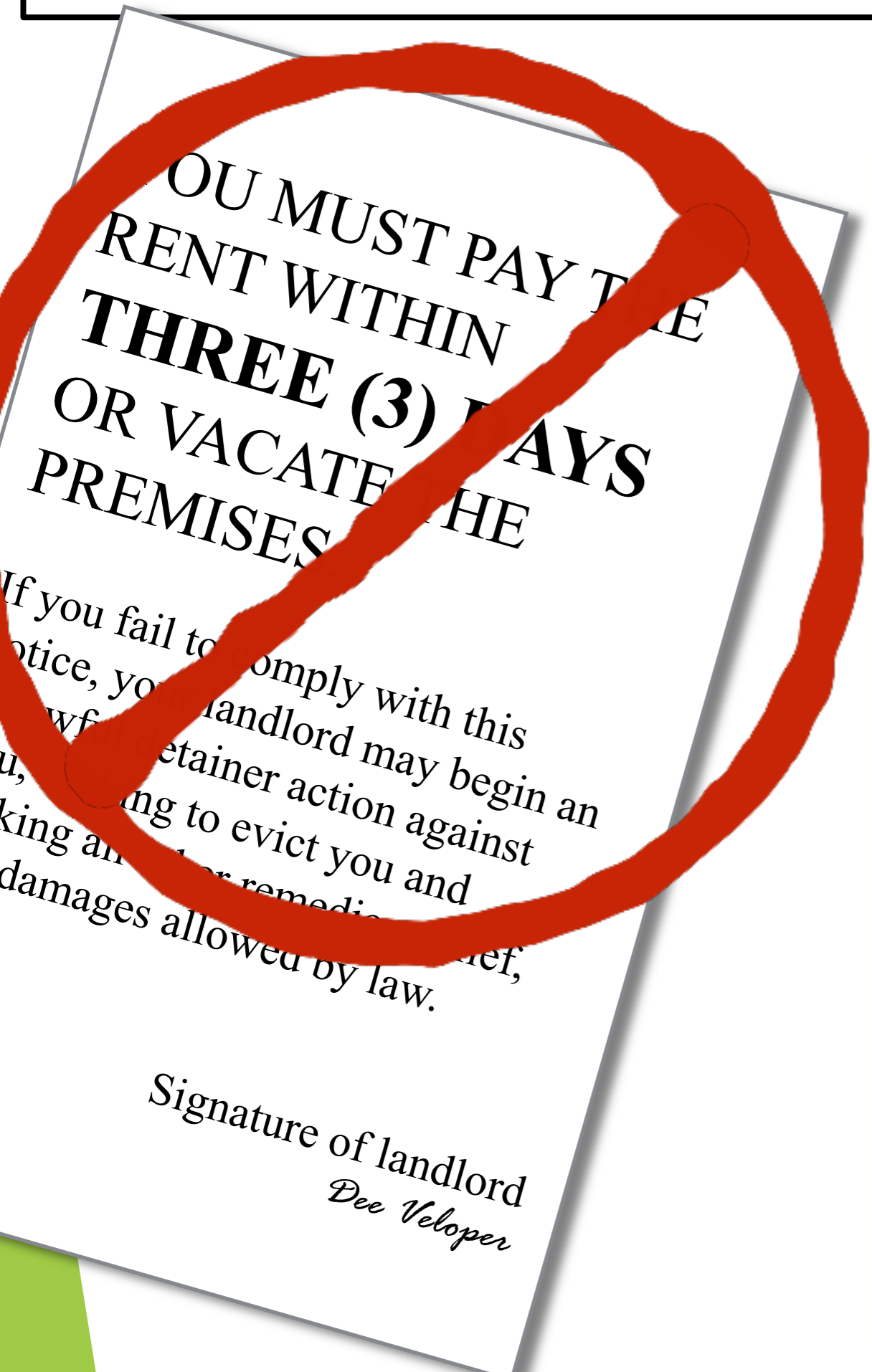
2

nonrecurring fees, costs, damages

(2) Tenants cannot be evicted for not paying "non-rent"*

*Except as provided in RCW 59.18.410

**but LLs can still sue later for the \$



FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES

You are receiving the attached notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or recurring or periodic charges that are past due.

- (1) Monthly rent due for May 2019: \$800 AND
- (2) Utilities due for April - May 2019: \$126.78 AND
- (3) Other recurring or periodic charges identified in the lease for:
N/A

TOTAL AMOUNT DUE: \$926.78

Note - payment must be by cash, cashier's check, money order, or certified funds pursuant to the terms of the rental agreement.

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages on its web site.

You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent.

Alternatively, call 2-1-1 to learn about these services.

State law provides you the right to receive interpreter services at court.

OWNER/LANDLORD: *L. Landlord* DATE: *June 4, 2019*

WHERE TOTAL AMOUNT DUE IS TO BE PAID: L. Landlord, 135 A St., Erehwon, WA

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You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent.

Alternatively, **call 2-1-1** to learn about these services.

State law provides you the right to receive **interpreter services** at court.

Alternative Service
(posting + mailing)
of Summons and Complaint

now allowed after
“due diligence”
at personal service
(3 attempts over
2+ days at different times)

**No court order
needed!**

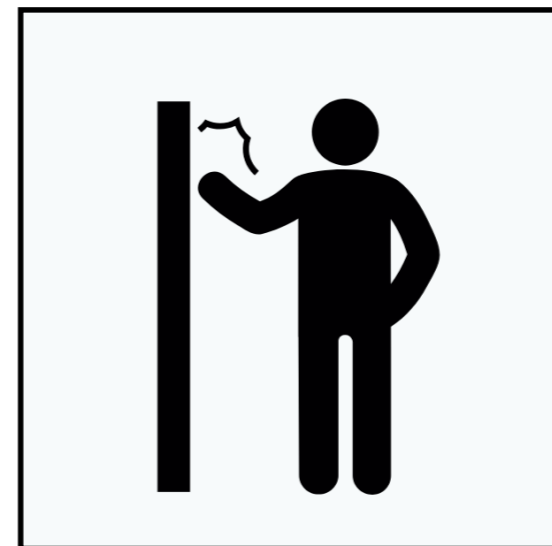
Still no money judgment
allowed unless jurisdiction
obtained over the tenant



Thursday
9 AM



Thursday
7 PM



Friday
3 PM

New Summons

GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself in court and could be evicted. If you cannot afford a lawyer, you may call 2-1-1. They can refer you to free or low-cost legal help. They can help you find help to pay for a lawyer.

HOW TO RESPOND: Phone calls to your Landlord or your Landlord's lawyer are not a response. You may respond with a "notice of appearance."

THIS IS AN IMPORTANT LEGAL DOCUMENT TO EVICT YOU.

YOUR **WRITTEN** RESPONSE ((IS)) MUST BE RECEIVED BY:
5:00 p.m., on July 15, 2019

TO: L. Landlord, 135 A St., Erehwon, WA

GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself in court and could be evicted. If you cannot afford a lawyer, you may call 2-1-1. They can refer you to free or low-cost legal help. They can help you find help to pay for a lawyer.

HOW TO RESPOND: Phone calls to your Landlord or your Landlord's lawyer are not a response. You may respond with a "notice of appearance." This is a letter that includes the following:

(1) A statement that you are appearing in the court case
(2) Names of the landlord(s) and the tenant(s) (as listed above) (3) Your name, your address where legal documents may be sent, your signature, phone number (if any), and case number (if the case is filed)
This case is / is not filed with the court. If this case is filed, you need to also file your response with the court by delivering a copy to the clerk of the court at

County Superior Court, 123 Court Avenue, Room 123, Court City, WA

WHERE TO RESPOND: You must mail, fax, or hand deliver your response letter to your Landlord's lawyer, or if no lawyer is named in the complaint, to your Landlord. If you mail the response letter, you must do it 3 days before the deadline above. Request receipt of a proof of mailing from the post office. If you hand deliver or fax it, you must do it by the deadline above. The address is:

L. Landlord, 135 A St., Erehwon, WA
Fax (555) 123-1234 (Fax - required if available)

COURT DATE: If you respond to this Summons, you will be notified of your hearing date in a document called an "Order to Show Cause." This is usually mailed to you. If you get notice of a hearing, **you must go to the hearing.** If you do not show up, your landlord can evict you. Your landlord might also charge you more money. If you move before the court date, you must tell your landlord or the landlord's attorney.

Old Way to Reinstate

Landlords don't have to accept rent after day 3!

Only tenants with unexpired lease terms can reinstate

Must pay all money in judgment including fees and costs

Sun	M	T	W	Th	F	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

3 day Pay or Vacate

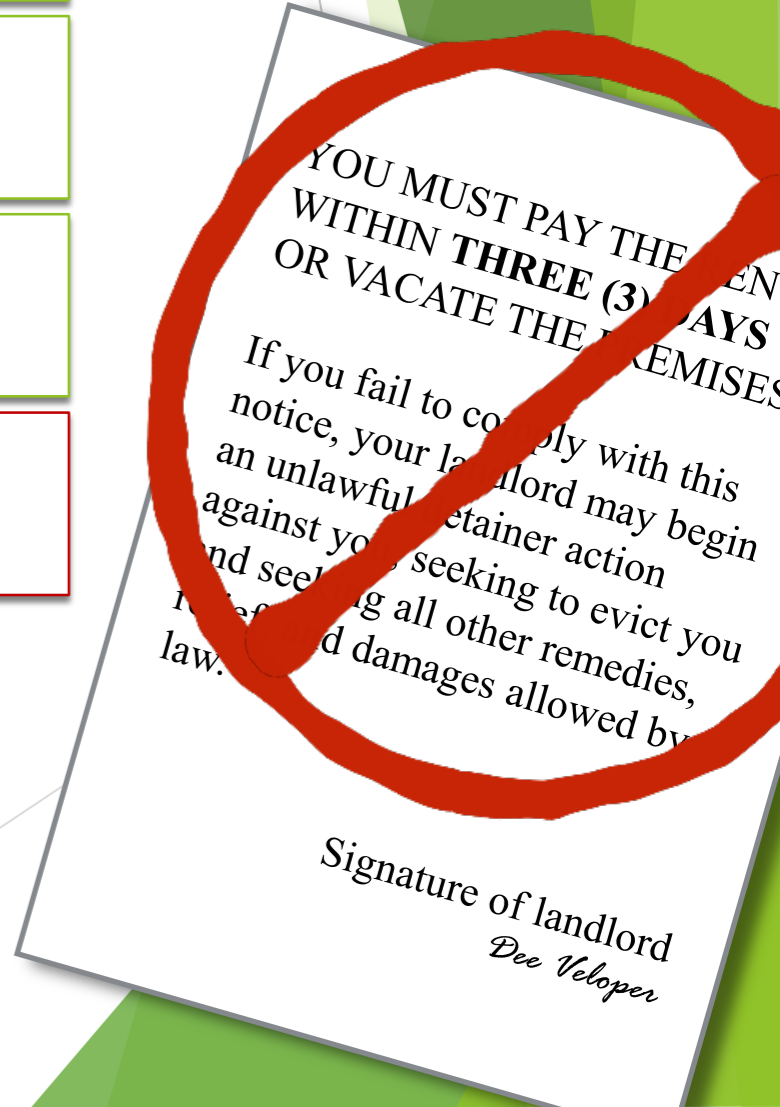
S + C UDA

Jment + Writ



Within 5 days of judgment

Must pay through court registry (including admin. fee)

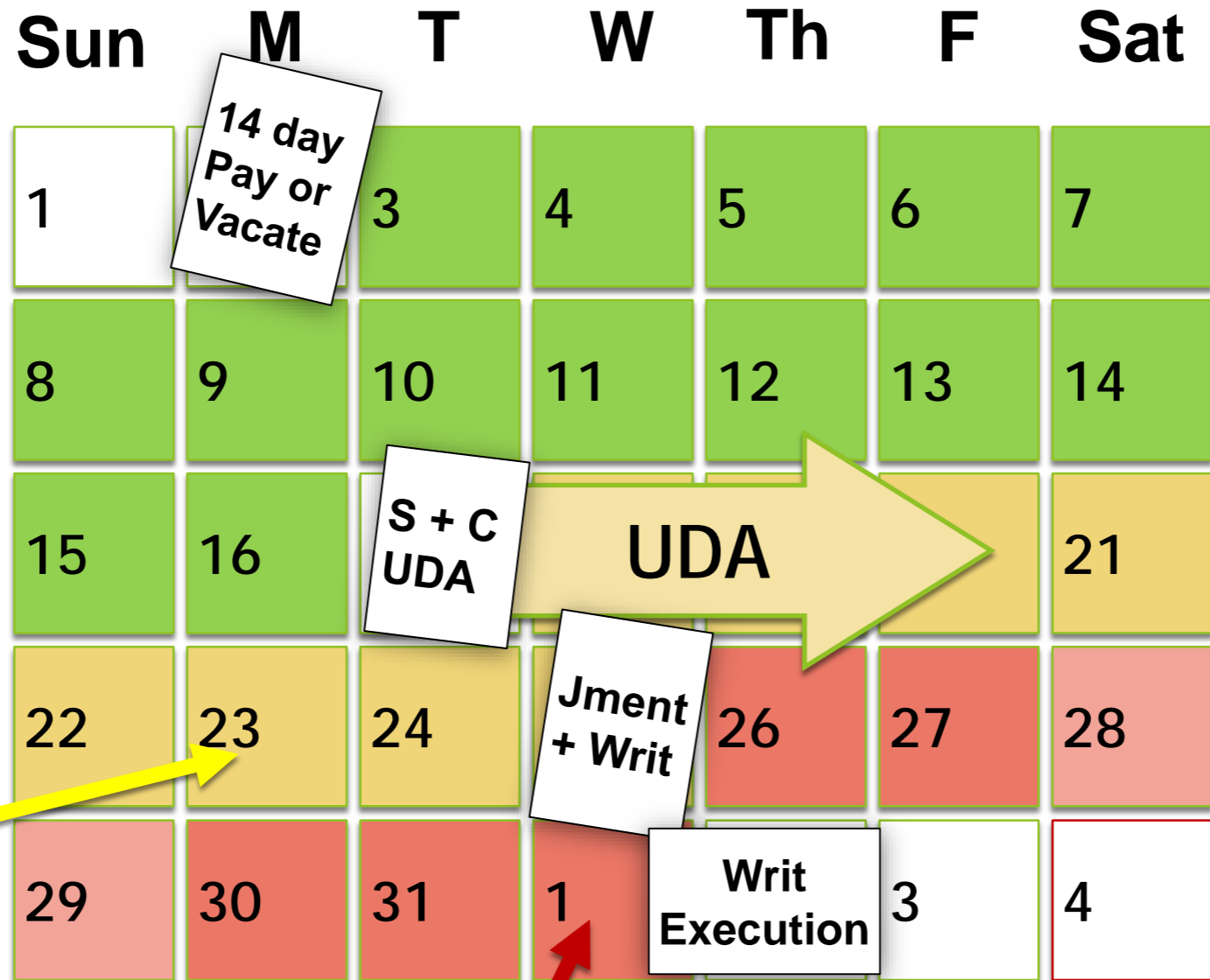


RCW 59.18.410

New Way to Reinstate 7(2) Pay Lump Sum

All tenants
can
reinstate--
even M2M!

May pay
rent + costs
before
judgment
(but don't
have to pay
attorney
fees)



May pay judgment +
costs + attorney fees*
within 5 days of judgment

may pay directly
to landlord and
not just through
court registry

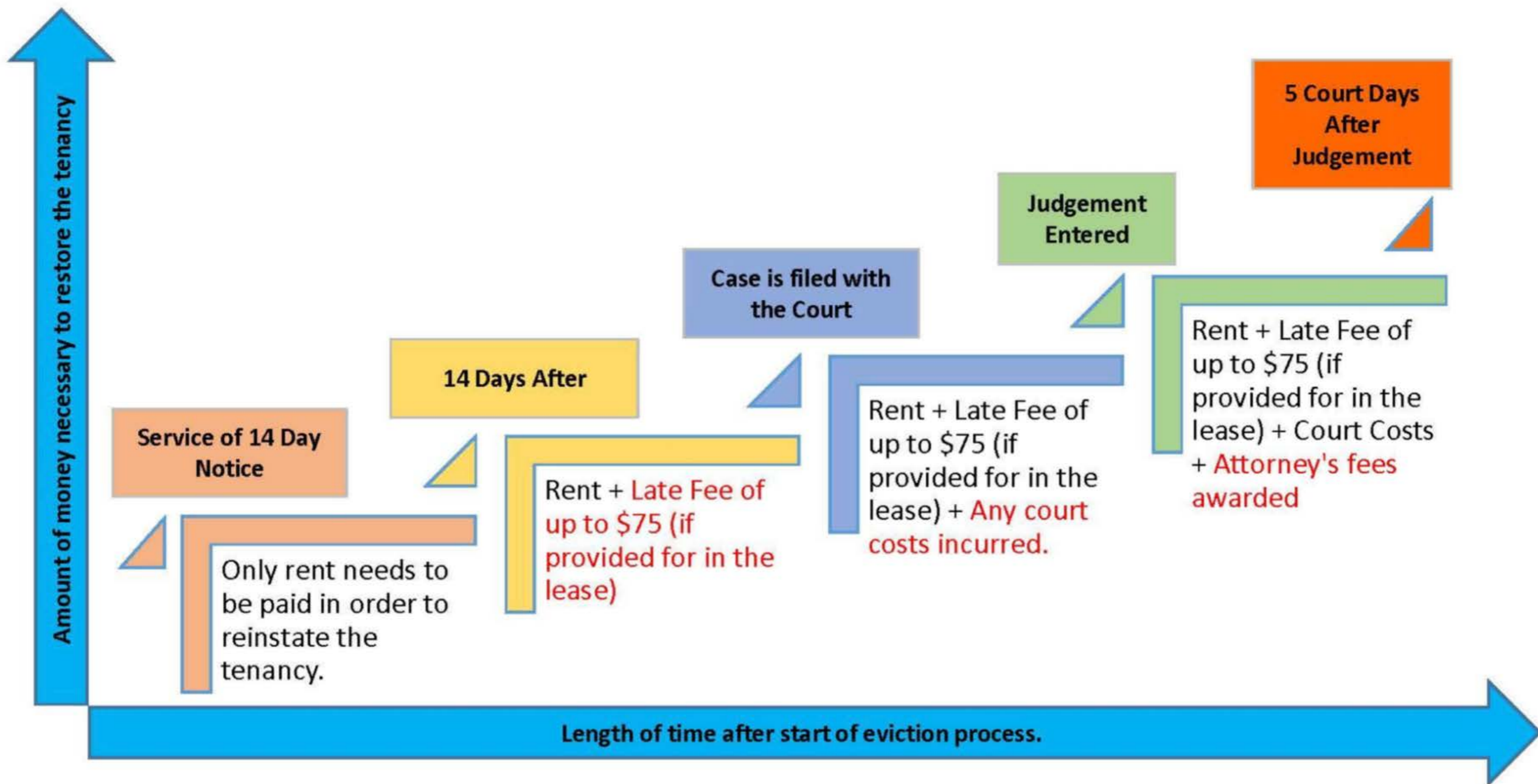


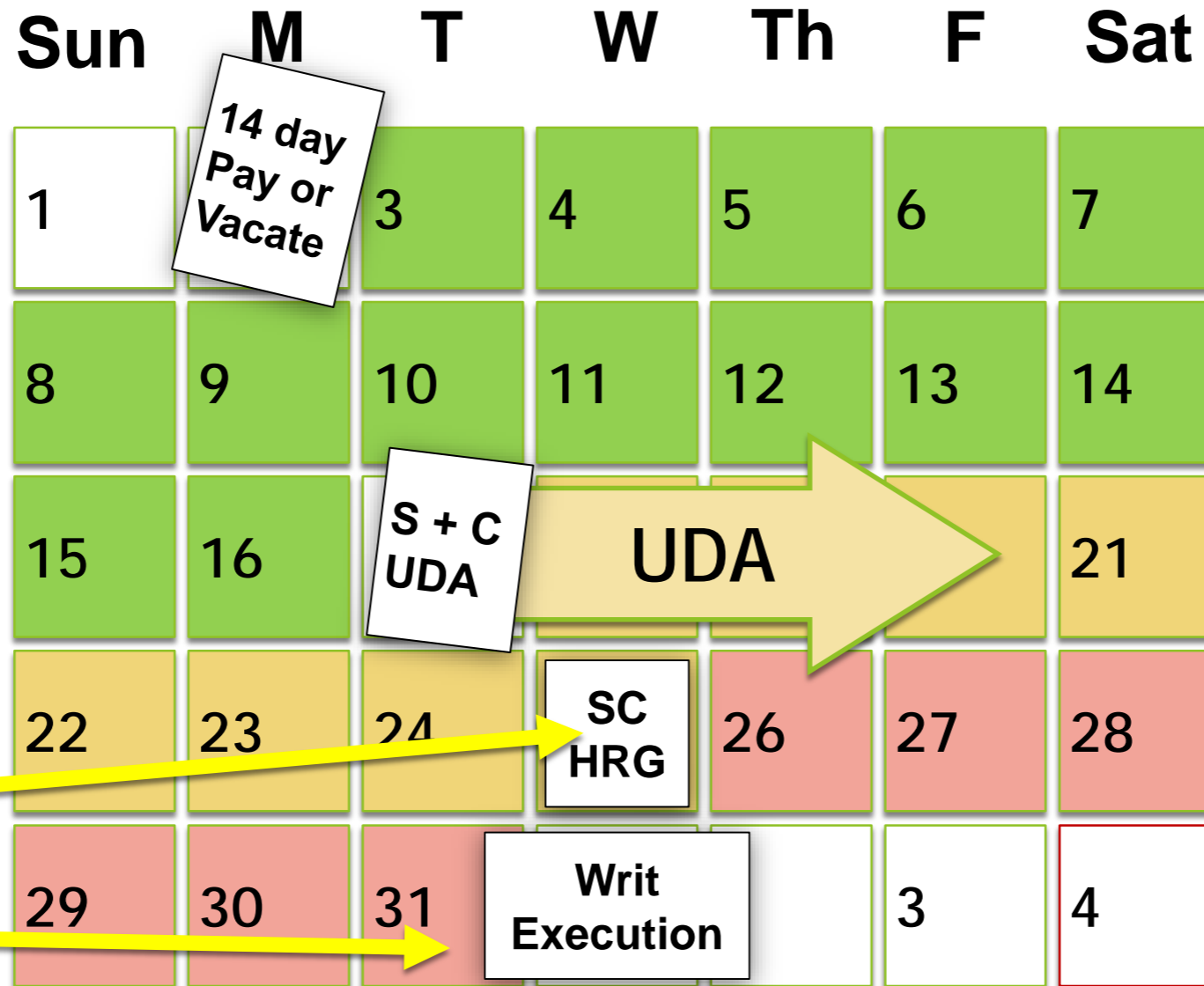
Illustration thanks to J. Phillips at KCBA HJP

RCW 59.18.410

New Way to Reinstate 7(3) Judicial Discretion / Payment Plan

All tenants
can
reinstate
even M2M

May ask
judge for a
payment
plan at the
show cause
hearing or
anytime
before
execution
of Writ



RCW 59.18.410

New Way to Reinstate 7(3) Judicial Discretion / Payment Plan

Tenant can ask for **payment plan** at the Show Cause Hearing or any time before execution of the Writ of Restitution

Court will consider these factors:

- Exigent circumstances
- Readiness to pay
- Hardship on tenant if evicted
- Substantial compliance with lease
- Payment history
- Tenant conduct in last 6 months

Out of Pocket (OOP)

- Pay 1 month rent within 5 days (unless after the 15th)
- Pay all within 90 days
- pay 1 month's rent every 30 days
- Writ keeps running
- LL must give a "3 day POV" if TT misses pmt

Charity / Non-Profit Org

OOP rules
don't apply!

Landlord Mitigation
Fund (LMF) at the
Dept. of Commerce

Court must determine if tenant is
Low-income
Limited-resourced
Experiencing hardship

Limits on Fees in UDA Judgments

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

JUDGMENT SUMMARY

1. \$ Rent Owed
2. \$ Up to \$75.00 late fee if provided in the lease
3. \$ Court costs
4. \$ Reasonable Attorney Fees*

***NO ATTORNEY FEES**

if tenant does not appear
(in default judgments!)

***NO ATTORNEY FEES**

if tenant owes
< 2 months rent OR
< \$1200

***NO ATTORNEY FEES**

for additional appearance
if tenant asks for a stay of the writ,
but then is not allowed to stay

May						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
Su	Mo	Tu	We	Th	Fr	Sa
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

60-day notices of rent increases

May						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**120-day notice to move for
demolition,
substantial rehabilitation or
change of use**

Changes to the MHLTA RCW 59.20



Effective Date: July 28, 2019

- Notice to pay or vacate for nonpayment of rent increased to 14 days (from 5 days). RCW 59.20.080(1)(b).
- Notice cure rule violation or vacate increased to 20 days (from 15 days). RCW 59.20.080(1)(a).
- If utilities are changed to be charged independent of the rent during the rental agreement, the landlord must decrease the amount of the rent charged proportionately. RCW 59.20.060(1)(j).
- Tenants must be provided 30 days' written notice of new or amended park rules and three months to comply after the 30-day notice period. RCW 59.20.045(6).
- The landlord must provide a written statement containing accurate historical information regarding the past five years' rental amount charged for the lot. RCW 59.20.060(1)(o).
- 120 days to sell the manufactured home in place following eviction as long the tenant keeps paying rent. RCW 59.20.080(3).
- When a manufactured home park closes, low-income tenants may be entitled to \$12,000 for a multi-section home or \$7,500 for a single section home; 40% can be cash assistance to secure new housing and 60% for reimbursement for relocation. RCW 59.21.021(3).
- Order of limited dissemination available under RCW 50.20. New Sec. 9(1).

Changes to Property Tax Laws

RCW 84.36, RCW 84.38, RCW 84.56



Effective Date: July 28, 2019, January 1, 2020

The following laws go into effect on July 28, 2019:

- The income threshold to determine eligibility for a property tax exemption was increased and will be calculated based on the county median household income. RCW 84.36.381(5).
- Someone receiving a property tax exemption may maintain their property tax exemption when they are temporarily in a hospital, nursing home, assisted living facility, adult family home, or a home of a relative for the purpose of long-term care. RCW 84.36.381(1).
- Veterans receiving VA disability benefits with a service-connected disability rating of eighty percent or higher (from total disability). RCW 84.36.381(3)(a)(ii).
- When someone who received a property tax deferral dies, the property tax deferral may be continued by a surviving spouse, surviving domestic partner, heir, or devisee. RCW 84.38.030(2), RCW 84.38.070, RCW 84.38.130(2), RCW 84.38.150(1)-(2).

The following laws go into effect on January 1, 2020:

- Notice of the property tax exemption and deferral must be included in property tax notices. RCW 84.56.020(2)(c).
- Delinquency notices must include the Washington state housing finance commission statewide foreclosure hotline. RCW 84.56.020(6).
- Within 90 days after the expiration of two years from the date from the delinquency, the county treasurer must provide the name and property address of the delinquent tax payer to the homeownership resource center or a local entity recommended by the Washington state housing finance commission. RCW 84.56.020(7).
- The county treasurer may accept payment agreements for current or delinquent taxes. RCW 84.56.020(15)(b).
- Tax payments must be applied first to the oldest delinquent year unless the taxpayer requests otherwise. RCW 84.56.020(15)(b)(ii)(B).
- If the taxpayer qualifies for a property tax exemption after they have become delinquent, the treasurer must waive the outstanding interest and penalties. RCW 84.56.020(19).

