

Eviction Moratorium in Washington State

A guide for landlords, property managers and renters in Thurston County.

In March of 2020, Governor Jay Inslee issued a [proclamation](#) establishing a moratorium on evictions due to the major economic impacts of the Coronavirus pandemic (COVID-19).

What's in the Eviction Moratorium?

The rights and protections under this proclamation apply to people residing in residential rental properties and those with minimum of a 14-day length stay at a hotel, motel or at other non-traditional dwelling situations.

Landlords and property managers are prohibited from retaliating against any tenant who invokes rights or protections under the proclamation.

Serving notices (February 29, 2020 - End of moratorium)

- Tenants cannot be served any kind of notice to pay or vacate, notice of eviction, notice of termination, notice of unlawful detainer, notice of non-renewal or notice of rent increase.
- Landlords cannot seek, enforce nor threaten to seek or enforce judicial eviction orders.
- The sheriff may not serve, threaten to serve, or act on eviction orders.
- The only exceptions to these are if an affidavit declares an eviction necessary due to health and safety issues created by the occupants that are significant and immediate, if there is new and urgent property damage or if the owner wishes to occupy or sell the property after providing at least 60 days' notice.

Rent during the moratorium (February 29, 2020 - End of moratorium)

- The landlord cannot take actions against a tenant for non-payment of rent.
- Rent is still due. Tenants who can, should continue to pay rent during the Moratorium.
- Tenants should communicate to the landlord when they are not able to pay rent due to the pandemic.
- Tenants should pay what they can towards their rent, even if it's not the full amount or offer manageable payment arrangements to the landlord.
- Rents cannot be increased during the moratorium.
- Late fees and any other charges for unpaid rent cannot be charged nor threatened.
- Landlords cannot assess rent when a tenant cannot occupy the unit due to COVID-19.

Paying back unpaid rent accrued during the moratorium

- Upon lifting of the moratorium, landlords and property managers must provide individualized and reasonable payment plans for renters to pay back any unpaid rent.
- Tenants have the right to establish a defense to any lawsuit if a landlord fails to offer a reasonable repayment plan.
- Late fees and any other charges for unpaid rent cannot be charged nor threatened.
- A landlord may not do the following unless they've offered a reasonable, individualized repayment plan and the tenant has refused or not complied with that plan:
 - The landlord cannot attempt or threaten to collect unpaid debt themselves or through a collection agency.
 - The unpaid rent cannot be treated like a regular debt.
 - The landlord cannot report the unpaid rent to credit bureaus.
 - The landlord cannot withhold the security deposit over the unpaid rent.

Federal moratorium under the CARES Act

Please visit www.hud.gov/coronavirus for more information on the federal eviction moratorium.

Working Together

Landlords are required to present individualized and reasonable payment plans for their renters to pay back any rent they missed during the moratorium. The terms *individualized* and *reasonable* aren't defined and interpretations will likely vary. The best chance for a payment plan to be individualized and reasonable is for landlords and renters to work together to design each plan. This will help keep renters in their homes which prevents homelessness and save landlords the costs of unit turnover and vacancy. Working together on a payment plan will help the plan be individualized for each household so the tenant can reasonably follow the plan.

Please keep in mind

- Approach each other with kindness. Open and honest communication can help you understand each other's needs and find an agreeable solution.
- Each person experiences the impacts of the COVID-19 pandemic differently and we all respond to hardships in different ways.
- Many people are grieving personal losses of loved ones and the massive loss of lives globally.
- The financial impacts of COVID-19 are experienced by both landlords and renters. The financial impacts are different from person to person and they are all valid.

Renters

You will have to pay back any missed rent through a payment plan once the moratorium ends. Landlords are required to present a personalized, reasonable repayment plan for any rent missed during the moratorium. Prepare for this conversation and consider how you can help the landlord understand your financial situation in order to make your payment plan work for you. The payment plan should not be considered as a threat to end tenancy but an offer to maintain housing.

Start thinking about how much unpaid rent you will owe and think about the amount you'll be able to pay back each month on top of your regular monthly rent. Even if you can't pay your total monthly rent during the moratorium, you should consider paying what you can. The more you pay now, the less you'll have to pay later. If you're unable to afford rent and the unpaid rent payments when the moratorium ends, please use the *Resource List* in this guide to contact local organizations that may be able to help. Please be cautious and seek professional guidance if you're reconsidering taking on new loans to pay off your unpaid rent.

Landlords & Property Managers

Start thinking about how flexible you can be with payment plans. For many people, having an additional payment on top of rent and other financial obligations is extremely difficult. Is your business in a position where you can accept low payments over a longer period? One way to be accommodating and flexible is to ask tenants what amount they're able to pay each month and set up a payment plan based on their response.

Is your business in a position where you can forgive any amount of the unpaid rent? Many landlords and property managers won't be in a financial position to do this. However, it's worth considering. There are many ways to provide a bit of financial relief to your tenants in order to preserve their tenancy. You could forgive a set amount for all tenants with unpaid rent or set a criterion for tenants under a certain income level to get a set amount forgiven. You could set an incentive to forgive a certain amount when they pay it off in a shorter time-frame. Forgiving even a small amount can make a huge difference for your tenants. For many people, saving just \$20-50 can mean paying a bill that would otherwise be sent to collections or a new pair of shoes for a quickly growing child.

Your flexibility can help preserve your relationships with your tenants, help your tenants continue to put food on the table and help keep people in their homes.

Payment Plans

The proclamation states that payment plans must be *individualized* and *reasonable*. The best way to develop a payment plan that meets these requirements is for landlords and tenants to work together on the plan. The payment plan should fit into the tenant's budget so they can afford the payments and expect to complete the plan.

Consider the renter's financial situation

When creating a payment plan, remember that this plan will be in addition to monthly rent and bills for the tenant. For many people, one more monthly bill is a huge financial strain. Many renters have completely or partially lost their income due to the COVID-19 pandemic. The economic impacts of the pandemic also affect landlords so some may not be in a position to be very flexible.

A landlord can simply ask the tenant how much they can pay each month in order to pay back the missed rent and create a payment plan based on what the tenant shares.

It can help to calculate the percent of income that is spent on housing (rent and utilities) to get an idea of how financially strained the tenant already is. United States Department of Housing and Urban Development defines *cost-burdened* households as those who pay more than 30% of their income for housing. *Severely cost-burdened* households are those who pay 50% or more of their income for housing. When you consider the new monthly payment amounts, calculate the updated percentage and see how it impacts how much of their income would be spent on housing.

Landlords and property managers are important members of the community who have the opportunity to soften the economic impacts of the pandemic on their tenants by showing kindness, grace, understanding and - whenever possible - flexibility.

Consider that the economy and pandemic can change rapidly over the next year

Payment plans can contain language that relates to the amount of income available for when businesses re-open or even contingent on starting when the client has returned to work again. Language can include open communication for what happens if the client knows they'll be late on a payment or needs to amend the payment plan due to changes in their financial situation.

With states re-opening, the public health model recognizes that once things open back up again, COVID-19 rates may go back up and we may experience temporary business closures and another stay-at-home order. You can include language to renegotiate if we return to a stay-at-home order.

The Dispute Resolution Center of Thurston County

Communication between landlord and tenant can be challenging. The Dispute Resolution Center of Thurston County can offer guidance and assistance over the phone at no cost and has a sliding payment scale for mediation. www.mediatethurston.org

Sample payment plans and documents for landlords, property managers and renters

- Rent Repayment Plan Worksheet: www.atg.wa.gov/landlord-tenant
- Blank, usable repayment plan: thurstonthrives.org/action-teams/housing/rental-housing-workgroup
- Sample letter and payment plan: www.washingtonlawhelp.org/issues/health/coronavirus-covid-19

Sample Payment Plan

Download a blank version of this form at thurstonthrives.org/action-teams/housing/rental-housing-workgroup.

Rent Repayment Plan

The following payment plan is entered under [Governor Inslee's Proclamation 20-19.2](#).

Tenant: _____

Landlord/Agent for Landlord: _____

Rental Unit Address: _____

Total Past Due Rent: _____

March balance: _____

April balance: _____

May balance: _____

June balance: _____

Choose Payment Schedule 1 or 2

The Governor's Proclamation states that payment plans must be reasonable for the tenant's particular circumstances.

Schedule 1. Payment amount: \$ _____ due by the _____ of the month.
Total number of payments: _____ (total owed ÷ payment amount)
First payment due: _____ Expected completion date: _____

Schedule 2. First payment of _____ due _____ .
Second payment of _____ due _____ .
Third payment of _____ due _____ .
Fourth payment of _____ due _____ .
Fifth payment of _____ due _____ .
Sixth payment of _____ due _____ .
Additional payments: _____

These payments are to be made in addition to the continued regular rent. If the tenant moves before this payment plan is complete, they must continue to pay until the total amount owed is paid unless both parties agree to negotiate a new payment for the remaining balance.

Failure to comply with this agreement may result in landlord issuing tenant a 14 day pay-or-vacate notice.

Tenant agrees that if they will be late on a payment, they will immediately notify the landlord/agent when they will be able to make the payment.

Landlord agrees that payment will be accepted from any source, including but not limited to charities, non-profit organizations, government entities, and churches.

Landlord also agrees to accept payment in cash, check, certified check, money order, or pledge.

Tenant

Date

Landlord/Agent for Landlord

Date

Thurston County Resource List

COVID-19 Resources

Community Action Council (360) 438-1100 or 1-(800) 878-5235 caclmt.org
TOGETHER (Tumwater & Yelm) (360) 999-0546 www.watogether.org
Puget Sound Energy www.pse.com/covidhelp
Consumer Financial Protection Bureau www.consumerfinance.gov/coronavirus
Washington DSHS www.dshs.wa.gov/alert/covid-19-information
Thurston County Public Health & Social Services bit.ly/ThurstonCOVID-19
Washington Law Help www.washingtonlawhelp.org/issues/health/coronavirus-covid-19
Información Legal en Español www.washingtonlawhelp.org/es/issues/health/coronavirus-covid-19

Housing Services Organizations for Renters

** Organization that offer rental assistance*

Community Action Council * (360) 438-1100 or 1(800) 878-5235 caclmt.org
Family Support Center * (360) 754-9297 www.fcss.org
Housing Authority of Thurston County * (360) 753-8292 www.hatc.org
Pierce County AIDS Foundation - Olympia Office * (360) 352-2375 www.pcaf-wa.org
Community Youth Services * (360) 943-0780 or 1 (888) 698-1816 communityyouthservices.org
Catholic Community Services * (360) 753-3340 ccsww.org
TOGETHER (Tumwater & Yelm) * (360) 999-0546 www.watogether.org
Yelm Community Services * yelmcommunityservices.com
Rochester Organization of Families (ROOF) * (360) 273-6375 www.roofcommunityservices.org
The Salvation Army * (360) 352-8596 olympia.salvationarmy.org/olympia_corps
SideWalk (for Homeless Adults without children) (360) 515-5587 walkthurston.org
Tenant Services at Solid Ground (206) 694-6767 solid-ground.org
Homes First (360) 236-0920 www.homesfirst.org
Senior Services Home Share Program (360) 586-6181, ext. 120 southsoundseniors.org
Thurston County Healthy Homes Program (360) 867-2674 www.co.thurston.wa.us/health/ehhm/healthyhomes.html
Emergency Shelter Hotline (844) 628-7343
Olympia Union Gospel Mission (360) 709-9725 www.ougm.org

Housing Resources for Property Owners

Help and Assistance for Washington Homeowners dfi.wa.gov/homeownership

Legal Resources

Thurston County Volunteer Legal Services (360) 705-8194 tcvls.org
Northwest Justice Project 1(888) 201-1014, For seniors: 1(888) 387-7111 nwjustice.org
Washington Law Help www.washingtonlawhelp.org/
Información Legal en Español www.washingtonlawhelp.org/es

Other Community Resources

Senior Services for South Sound (360) 586-6181, ext. 120 southsoundseniors.org
Dispute Resolution Center of Thurston County (360) 956-1155 mediatethurston.org
Family Education & Support Services (360) 754-7629, Español: (360) 688-4120 familyess.org
Thurston County Food Bank (360) 352-8597 thurstoncountyfoodbank.org
SafePlace Olympia 24/7 HelpLine: (360) 754-6300 Business Office: (360) 786-8754 safeplaceolympia.org
Crisis Clinic (360) 586-2800, Youth/Teen Help Line: (360) 586-2777 www.crisis-clinic.org
South Sound Behavioral Hospital 1 (844) 949-8888 (free mental health assessments 24/7)
www.southsoundbehavioralhospital.com
Olympia Free Clinic (360) 529-1937 www.theolympiafreeclinic.org
GRuB (360) 753-5522 goodgrub.org

Comprehensive list of community resources from the Crisis Clinic

www.crisis-clinic.org/pdf/CommunityServicesListThurston.pdf