



Tenant Protections

Tenant protections focus on the relations between landlords and tenants and can help people access and retain housing. Tenant protections help address health and safety concerns, barriers in the rental market, protect tenants from unreasonable acts, and prevent unnecessary evictions.

Background

Washington state addresses tenant protections at a statewide level through the [Residential Landlord-Tenant Act](#). The [Manufactured/Mobile Home Landlord Tenant Act](#) and [Mobile Home Relocation Assistance Act](#) cover issues specific to [manufactured/mobile housing](#). Recent state laws address additional landlord-tenant issues, including eviction reform, source of income discrimination, and tenant screening.

Local governments have options to expand on state requirements with additional provisions. For example, rental housing can be regulated through property inspection and regulation programs, rental agreements, and other mechanisms outlined below. In developing new ordinances, cities and counties should consider the legal and practical issues of enforcement, including administrative costs, and ensure

WHAT ISSUES DO TENANT PROTECTIONS ADDRESS

Tenant protections play an essential role in supporting stability and accessibility for renters. These tools help to define and secure regulations for leases and fees, such as capping late/move in fees and security deposits, and providing written notice for rent increases. Tenant protections also ensure that rental units are kept in safe and livable conditions, and that renters are provided adequate time and assistance for displacement and evictions. These tools can be expanded to address other potential issues but often differ by city and state.



TOOL PROFILE

Objectives

[Mitigate Residential Displacement](#)

[Addressing Racial Inequities](#)

Type of Tool

Rental/Homeowner Assistance

Project Type

Single family

Multifamily

Rental

Affordability Level

Market-rate incentives and tools



WHERE ARE TENANT PROTECTIONS MOST APPLICABLE?

Tenant protections are applicable and necessary for any rental unit, though additional laws may cover tenants who live in subsidized housing or mobile home parks (in which the mobile home is owned). Washington state law provides baseline protections for all tenants, and jurisdictions may provide additional protections, unless preempted by state law.

WHAT DO I NEED TO KNOW ABOUT TENANT PROTECTIONS?

Various federal, state, and local laws work together to protect housing rights. Basic tenant protections in Washington are guided by the Residential Landlord-Tenant Act (RCW 59.18), which defines the minimum duties of landlords and tenants within their residential units. Other local ordinances and laws encourage additional regulations and minimum standards of living; generally, none of these provisions are waivable by tenant or landlord. Washington's tenant laws apply to most renters, except the following circumstances:

- Live in a mobile home park but own their mobile home
- Live in an RV they own
- Lease an office for business purposes
- Live in a homeless shelter or encampment
- Medical, religious, educational, recreational, or correctional facilities
- Signed a contract to buy the property in which they live
- Began living in a motel or hotel since March 2020
- Rent the land surrounding their home for farming
- Temporary migrant worker or employment housing
- Live in the same place they work (i.e., a property management)

Protections to accessing housing

There are a variety of tools cities and counties can use to help renters access housing. Seattle and Burien have adopted rental regulations that limit costly move-in fees. Other regulations seek to counter implicit and explicit bias against otherwise qualified renters. These include offering tenancy to the first qualified applicant and limiting review of criminal records in tenant screening.

Fair housing is a right, enshrined in [state](#) and [federal law](#), to choose housing free from unlawful discrimination. Both federal and state law define several protected classes covered by the law. Local governments can define additional protected classes, which provide additional groups with recourse to address civil rights complaints if they have experienced discrimination in accessing housing. Some local examples include age (Seattle, Tacoma, and unincorporated King County), source of income (Tacoma and unincorporated King County), and political ideology (Seattle).



Protections during term of lease

Tools can also address issues during the tenancy. The City of Lakewood has adopted a Rental Housing Safety Program, which requires rental housing registration to ensure units comply with safety standards ([Ordinance No. 644](#)). Such requirements protect tenants by encouraging the proper maintenance of residential housing. Burien's Rental Housing Policy establishes a housing ombudsman to investigate housing disputes, to provide resources in resolving conflicts, and document issues and recommendations with residential rental housing ([Burien Municipal Code, Chapter 5.63](#)).

Rental fee protections

Late and move-in fees can greatly impact housing affordability and stability, especially for low-income renters. Washington's current law defines a reasonable late fee at \$20 or 20%, whichever is higher. Recent attempts to create fee caps at a state-wide level have been unsuccessful; however, multiple jurisdictions have been able to implement their own. Several jurisdictions, including Unincorporated King County have recently passed [tenant protections](#) that include capping late fees and/or move-in fees.

Notice of rent increase

Tools focused on giving tenants adequate time to find new housing are an important part of preventing displacement. Rising rents can be difficult to respond to, especially when affordable housing stock is limited. In King County, several jurisdictions have passed bills requiring 120 to 180 day advance notice for large rent increases, such as the City of [Seattle through the Seattle Municipal Code 7.24.030.A](#).

Relocation assistance

Renters subject to development-induced displacement may experience the risk of homelessness or high moving costs, relocation assistance tools can help to mitigate these damages. Seattle's Tenant Relocation Assistance Ordinance seeks to help renters by providing assistance to low-income households, as well as adequate time for new housing. Income eligibility is dependent on 50% AMI and levels of assistance differ depending on the type of development or change that is happening. Other jurisdictions have similar programs, such as the City of Bellevue through the [Bellevue Chapter 9.21](#). Tenant relocation assistance tools are an important part of tenant protections as they can help to address the harmful impacts of displacement.

Rental Inspection for Safety Guidelines

Safe and functional housing is essential to protecting the health and welfare of tenants. [Seattle](#), [Burien](#), [Kent](#), and [Tukwila](#) all have Rental Inspection Programs/Ordinances which help to ensure that rental housing meets basic health and safety requirements. The programs require property owners to register their properties with the city and have inspections every 3-10 years, depending on the city.



Eviction/displacement protections

Evictions can have long-term, negative consequences for renters and make people vulnerable to homelessness. The [state recently passed a measure](#) that requires landlords to give a valid reason for ending month-to-month leases. While landlords could previously terminate tenancy without cause, they must now provide a reason such as failure to pay rent, unlawful activity, and nuisance issues; however, the state law does not provide the same cause protections for tenants with leases between six months and one year. In order to fill this gap, local jurisdictions such as [Seattle](#) and [Burien](#) have adopted their own Just Cause Ordinances to regulate landlords from arbitrarily ending a rental agreement and avoid unnecessary evictions. Federal Way voters approved by ballot a measure to show “good cause” before taking action to evict a tenant, in addition to other protections. Some local ordinances also provide additional notice of eviction/lease termination and rent increases. Seattle has also adopted a tenant relocation assistance ordinance for low-income residents displaced by development, with a requirement to provide adequate time to move.

Education

Education is a critical component for both tenants and landlords to understand the law and avoid potential conflicts later. Seattle provides an accessible summary of landlord-tenant laws applicable in Seattle that has been translated into multiple languages. A variety of nonprofit partners can help to provide information and resources to tenants.

RESOURCES

Local Resources

Fair Housing Center of Washington: [Fair Housing Center of Washington](#) (2020)

City of Lakewood: [Rental Housing Safety Program](#) (2020)

Northwest Fair Housing Alliance: [Northwest Fair Housing Alliance](#) (2020)

Seattle Department of Construction and Inspections: [Just Cause Eviction Ordinance](#) (2020), [Tenant Relocation Assistance Ordinance](#) (2020), [Move-In Charges](#) (2020)

Tenants Union of Washington State: [Tenants Union of Washington State](#) (2020)

Washington State Human Rights Commission: <https://www.hum.wa.gov/> (2020)

Washington State Office of the Attorney General: [Residential Landlord-Tenant Resources](#) (2020)

National Resources

U.S. Department of Justice: [The Fair Housing Act](#) (2020)

