

2019 Legislative Update: SB 5600 “Eviction Reform”

By Christopher D. Cutting, Cutting Law Office PC

This Legislative Update contains a summary of SB 5600 which focused on the non-payment of rent eviction process. The Legislature passed three other landlord-tenant focused bills which are addressed in our primary Legislative Update. Remember, this summary is not a substitute for individual advice from an attorney. LT Services will update our free forms at ltservices.net/forms closer to the effective date.

Fourteen (14) Day Notice to Pay Rent or Vacate

The period to pay rent after a notice to pay or vacate is increased from 3 to 14 days. The notice is restricted to “rent,” which means periodic payments made for the use of the premises. “Rent” includes base rent, rent for items such as parking or storage, and utilities if these items are referred to as rent in the lease. “Rent” can never include late fees, NSF check fees, or legal fees. All payments from the tenant must be applied first to rent and then to any non-rent amounts due. Additionally, rent and installment payments on move-in fees are the only debts that may form the basis of eviction. If a tenant pay the rent but refuses to pay the late fee, for example, the landlord may sue the tenant for that non-payment but may not evict.

Form of Pay or Vacate

For the first time, the legislature wrote out the form required for a notice to pay or vacate. A landlord may add to, but may not subtract from, the statutory form.

Reinstatement within 5 Days

Tenants who are evicted for non-payment of rent may recover their tenancy by paying the entire judgment amount within five days of the order of eviction. This right existed under prior law, but was extended to month-to-month tenants.

Court-Ordered 90 Day Payment Plan

If a court finds a tenant is liable for unlawful detainer for non-payment of rent, it may reinstate that tenant “upon good cause and on such terms that the court deems fair and just for both parties.” The court considers 7 factors when deciding whether good cause exists. If reinstatement is granted, the tenant must pay at least one month’s rent within five days, at least that much every 30 days, stay current on new rent, and pay the entire debt within 90 days. During this time, the tenant can be evicted without a new hearing for missing any

payment. Tenants are not eligible for this payment plan if their landlord served 3 or more notices to pay or vacate in the 12 months leading up to the notice for which they are being evicted.

State-Funded Eviction Relief

On the same terms as the 90 day payment plan, a tenant who is also “low-income, limited resourced, or experiencing hardship” may be eligible, at the court’s discretion, for the judgment to be paid from the Landlord Mitigation Program created last year by the source of income protection law. The tenant must ultimately repay this assistance to the state, but when awarded the landlord should receive payment in full within 45 days.

Several additional changes were made including altering the “alternative service” process, limiting when a landlord may recover attorney’s fees for an eviction, and other related provisions. This is a summary only.

2701 First Avenue, Suite 500, Seattle, WA 98121



ltservices.net

206.241.1550



Cutting Law Office PC
www.cuttinglaw.com

cuttinglaw.com

last updated: 5/7/19