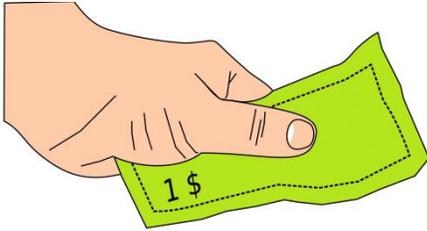


Legal Guide to Rent Increases

By Tom Lee; Updated by Christopher D. Cutting

When proposing a rent increase a housing provider must first ascertain whether the tenant is on a fixed-term lease or month-to-month tenancy. If the tenant signed a fixed term lease that has not expired, the landlord cannot raise the rent until the term ends.



If the tenant is not on a fixed term lease, the tenant usually is on a month-to-month tenancy. Under state law, a housing provider may raise a month to month tenant's rent with a 60 day notice. Prior to issuance, check the lease agreement and local law to ensure that you are not required to give more than 60 days' notice.

For most jurisdictions in Washington, to give a rent increase, you are only required to provide it to the resident in paper form at least 60 days before it goes into effect. No special form of delivery is required. However, you should give careful attention to the date the notice is issued and the effective date of the rent increase. While not required, best practice is to follow the formal service requirements of eviction notices, including allowing one additional day to post and mail the notice.

A notice of rent increase should be timely served before the expiration of a tenant's fixed term lease, even if the tenant has not given any written notice of exercising a lease renewal option. A tenant only needs to give a 20 days' notice to vacate unless the rental agreement states otherwise.

Are there special requirements in some cities in Washington?

The cities of Auburn, Burien, Issaquah, Kenmore, Kirkland, Redmond, Seattle, Olympia, and Vancouver as well as unincorporated King County all have local ordinances regarding rent increases that are more restrictive than state law. For example, Burien requires 120 days' notice of rent increases over 3%, 180 days' notice of increases over 10%, and requires that all rent increase notices are served in the same manner as a notice that can lead to eviction. Seattle requires all notices are given 180 days or more before they go into effect and requires special types of delivery for all notices.

Does this change if my tenant receives a government housing subsidy?

Yes. Government sponsored rental assistance programs generally require that you provide the public housing authority that administers the program notice of any change in rent. Without this notice, they cannot approve the rent or pay any increase. The exact requirements vary by the amount of the increase, the program, and the housing authority administering the program. Check the paperwork you received or speak with your tenant's caseworker for more details.

2701 First Avenue, Suite 500, Seattle, WA 98121



ltservices.net



Cutting Law Office PC
www.cuttinglaw.com

206.241.1550

cuttinglaw.com

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