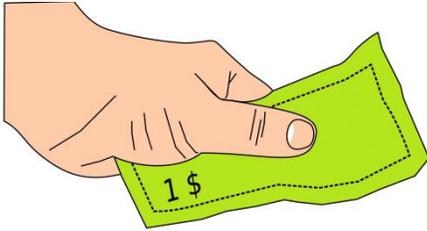


## Legal Guide to Rent Increases

By Tom Lee; Updated by Christopher D. Cutting

When proposing a rent increase a landlord 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 is on a month to month tenancy. A landlord 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, giving a rent increase notice is not required to meet the same formal requirements as service of a pre-eviction notice such as a pay or vacate notice or a termination of tenancy. 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, Kenmore, Seattle, Tacoma, and Vancouver all have local ordinances regarding rent increases that are more restrictive than state law. For example, Seattle does not require any extra time but does require housing providers to include information about landlord-tenant laws with any rent increase. Another example, Auburn requires 120 days' notice if the increase is more than 5% above the current rate.

### **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.

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