

2022 Legislative Update

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The Legislature passed three major residential landlord-tenant bills this session. In addition, the budget included a one-time addition of \$27 million dollars to the landlord mitigation fund to pay housing providers' claims for unpaid rent accrued during the COVID moratorium, for property damage caused by low-income tenants, and for the new domestic violence repairs program.

HB 1593 Mitigation for Incidents of Domestic Violence

Under existing law, a tenant who is a victim of domestic violence may terminate his or her rental agreement mid-term by providing a certain form of written notice under RCW 59.18.575. The victim is not liable for property damage caused by the criminal conduct of his or her abuser. This program allows a housing provider to receive up to \$5,000.00 to repair property damage that occurred during the tenancy (regardless of how the damage occurred) if all five conditions are met: (1) the tenancy was terminated using the .575 procedure; (2) the property damage exceeds normal wear and tear; (3) the housing provider provides a full accounting for the deposit within 21 days; (4) the housing provider refunds the full deposit to the former tenant; and (5) the housing provider waives any claim for recovery against the former tenant.

Applications are process and paid in the order received by the Department of Commerce.

SB 5749 Paper Forms of Payment

Housing providers are required to accept payment of rent via personal check, cashier's check, or money order. Housing providers may refuse to accept a personal check for 9 months after a personal check is declined as NSF or due to account closure but must begin accepting personal checks again once the 9 month probation expires.

Housing providers must either provide an on-site location for making rent payments or accept payments via mail.

HB 2064 Security Deposit Alternatives

This bill clarifies that housing providers may offer an insurance product that allows residents to pay a monthly insurance premium in lieu of a security deposit. Housing providers are not required to provide this option. If a housing provider elects to offer this product, they must offer it to every tenant of every unit and must notify each accepted applicant in writing that they can choose between a prepaid deposit, a payment plan on a deposit, or the insurance. If a tenant fails to pay the monthly premium, the landlord cannot use eviction as a tool to collect that unpaid amount. A resident may choose to cancel the insurance at any time and pay a security deposit instead; if a resident makes this choice, the housing provider cannot use eviction as a tool to ensure the resident pays the (now required) deposit.

All changes take effect June 9, 2022. Several minor changes and technical corrections are not addressed by this Legislative Update. This is a summary only, not a substitute for individual advice from an attorney.

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last updated: 3/16/2022