

IMPROVE EVICTION PROTECTIONS AND PROVIDE LEGAL REPRESENTATION (Senate Bill 5160/Kuderer)

The current problem:

Even with federal relief and a new state rental assistance program, it is unlikely that Washington will have the resources to fully pay rent owed by people who have lost jobs and income starting last March. Rental assistance must be coupled with additional protections to keep tenants in their homes during and after the coronavirus pandemic.

This issue affects all renters, but particularly communities of color since 69% of Black households, 66% of Native Hawaiian and Pacific Islander households, and 57% of Hispanic/Latinx households are renters in Washington, compared to just 33% of white households. Black people, particularly Black women, experience the highest eviction rates.

Legislative solution:

Protect tenants with the following provisions.

Right to counsel: Most tenants enter eviction court without an attorney to help them navigate the complicated process and the complicated laws. They represent themselves, standing next to their landlord's trained attorney. Tenants facing an eviction should be provided an attorney.

Prevent rent debt accrued during the moratorium and pandemic from being used to deny tenancy in the future.

Require cause to evict: The bill limits the reasons a landlord can make someone move for two years after the bill is implemented. Without good cause eviction requirements, landlords are able to circumvent tenant protections and make the tenant move without even providing a reason.

Prohibit late fees: The bill extends the eviction moratorium's prohibition on late fees on unpaid rent that accrued during the moratorium.

Require fair payment plans: The bill requires landlords to offer a payment plan that must factor in the tenant's economic circumstances. This offers both landlords and tenants an opportunity to work out an agreement that is feasible.

Reinstatement of tenancy and judicial discretion: The bill eliminates the prohibition on judicial discretion for tenants who have three or more pay or vacate notices. This change is especially important given the depth and severity of the recession on low-income renter households.