

The Right Choice, The Right Solution

Landlord Mitigation Program



Program Overview – Landlord Mitigation Program

Washington State’s Landlord Mitigation Program was enacted on March 15, 2018, to provide landlords with an incentive and added security to work with a Tenant that is receiving public rent assistance. The program was then amended with ESB 5600 in 2019 to extend protections to tenants (regardless of income or subsidy) facing eviction for nonpayment of rent due to a temporary financial hardship.

Who can submit a claim?

Any landlord or tenant within Washington State.

How to qualify for the Landlord Mitigation Program– Be prepared

Commerce will approve and pay claims as quickly as possible. However, failing to provide proper documentation to satisfy the requirements below may cause claims to be denied. Please have the following documents prepared to scan and submit with a claim submission. We will not pursue documentation. If we do not receive all required documents and any other supporting evidence, the claim will be denied and will need to be resubmitted placing the claim at the bottom of the queue. Appeals for any other reason will only be permitted if a judgement for damages is obtained.

- 1) Obtain a Washington Statewide Vendor Identification number
- 2) An executed written Rental Agreement between the Landlord and the Tenant(s)
- 3) One of below:
 - a) Order of Eligibility, or
 - b) Judgement with Stay Action, or
 - c) Failed Stipulated Agreement (payment agreement executed in a court) agreed by a Judge in the local Superior Court
- 4) A Tenant ledger showing charges represented in Judgement
- 5) Complete the entire online claim submission.

OUR MISSION

Grow and improve jobs in Washington state by championing thriving communities, a prosperous economy and suitable infrastructure.

PROGRAM CONTACT

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Additional Resources:

Please visit our website:
<http://commerce.wa.gov/landlordfund>

OR review the Codified law:
RCW 43.31.605

Department of Commerce
1101 Plum Street SE, Olympia, WA 98504
<http://www.commerce.wa.gov/>



Frequently Asked Question

Tenancy Preservation Program

- ❖ **Is this program only for landlords that serve low income households?**
 - While the Landlord Mitigation Program (LMP) does restrict eligible landlords to only those that are affected by subsidized tenants, the Tenancy Preservation Program (TPP) does not contain this restriction.
- ❖ **Why do you require a Statewide Vendor ID (SWV) number?**
 - All payees from State offices are required to have a State Vendor ID number. This will require the payee to complete an application and W-9 and submit to the state.
 - Property Managers may use one SWV for all properties but the State will send the owner of the SWV a 1099 at the beginning of the following year. Commerce recommends using a unique SWV for each individual owner.
 - Important note: Do not submit a claim without this number. It will be denied if the number is not included.
- ❖ **When can I submit a claim?**
 - Landlords may submit a claim at any point within 90-days following the date of Judgement or within 90-days from the default date on the court-ordered payment agreement provided that the tenant has not vacated the unit.
- ❖ **How much can be claimed?**
 - Landlords can receive the amounts listed on the court-ordered agreement or unpaid balance of the payment arrangement. Some restriction in fees are written into the RCW. Consult with an Attorney prior to requesting the Lending Agreement or making payment arrangements.
- ❖ **What if I cannot get the tenant to sign the Tenant Acknowledgement Affidavit?**
 - If a landlord is unable to get the tenant to sign the Acknowledgement Affidavit for a defaulted payment agreement, a landlord must show reasonable attempts were made to collect signatures. This can be in the form of Proof of Mailing, Certified Mail or by use of a Courier or Process Server. At least three attempts on separate days must be made when using Proof of Mailing.
- ❖ **How long does the review process take?**
 - Landlords will receive receipt of their claim submission immediately upon submission of the online form. Claimants that mail the claim to Commerce will receive a receipt within ten business days.
 - Claims are reviewed in order of submission. Commerce cannot guarantee a specific timeline, only that each application will be reviewed in the order received.
 - Funds will be disbursed to claims upon approval and then fund availability. If funds are not available at the time of approval, the claim will be held in a pending status until funds are available in order of submission (approved claims will be paid in order received).
 - Claims may be denied if no foreseeable future funding is available.
- ❖ **Can I appeal a denial of my claim?**
 - Most denials will be due to lack of supporting documentation or simply lacking information on the form. If the claim is denied for these reasons, Commerce will request the information.
 - Claims that are denied for any other reason may not be appealed. ⚠ Why is the information provided for a claim subject to Public Record Requests?
 - Public Disclosure Act, chapter 42.56 requires that most information gathered for the purpose of State business be readily available for public review. While most information is readily available, landlord and tenant direct contact information is not publicly shared nor are the supporting documents, claim findings or fraud identification that contain sensitive information.