



My View

A unique, inside perspective on housing and community development from the executive director of the Washington State Housing Finance Commission

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KIM HERMAN, EXECUTIVE DIRECTOR



Tenant Protections in Washington State:

HOW LEGISLATIVE REFORM IS HELPING RENTERS —AND WHAT REMAINS TO BE DONE

Today, close to 40 percent of Washington state residents live in rental housing. As rents continue to escalate across the state, tenant protections are more important than ever. During the past two state legislative sessions, critical tenant protection laws have passed and additional actions will no doubt be deliberated in future sessions. These questions are not without complexity or controversy—and yet they can be addressed when all stakeholders work together to create solutions. In this issue, we look at the stakeholder discussions that led to significant changes to landlord-tenant protections in Washington.



Since the Great Recession, *renting* has gained ground, taking up an increased proportion of homes for our state’s residents. For those struggling to make ends meet, any kind of change in their housing situation, whether it concerns a rent increase, penalties for late payments and rule violations, attorney’s fees for disputes, inadequate notice concerning terminations, or an out-and-out eviction can—and all-too-frequently does—result in homelessness.



Further, it is now painfully clear that tenant protections are a racial and gender equity imperative. Data from The Washington State Evictions Project show that women are evicted about 6-10% more often than men. Far worse are the disparities in evictions by race. For example, from 2013 to 2017, in King County, 8.8% of black adults were evicted vs. 1% of white adults; in Pierce County, 17.9% of black adults were evicted vs. 2% of white adults.¹

Seattle and Tacoma offer tenant protection ordinances and other Puget Sound cities are currently debating their merits. Across the U.S., there’s growing support for extending these protections, which attempt to strike a fair balance between tenant and landlord interests on such matters as termination and rent increase notices, evictions (also known as unlawful detainers), rent control, and ensuring non-discrimination for applicants and existing tenants. However, when it comes to protecting tenants from unfair practices, what policies can truly make a difference? And what constitutes a fair balance between the interests of tenants and landlords?

¹ Timothy A. Thomas, Ott Toomet, Ian Kennedy, and Alex Ramiller, *The Washington State Evictions Project*; <https://evictions.study>

Evictions: Causes, costs, and consequences

To understand why tenant protections are so critical, one need look no further than *evictions*, specifically who is getting evicted and the profound impact evictions have on the lives of individuals and families. Harvard researcher Matt Desmond's book *Evicted*, published in 2015, captured national attention by providing an intimate look into the devastating hardships of several low-income Milwaukee, Wis., families who experienced serial evictions. Desmond's research demonstrated powerful race and gender inequities.

It also inspired urban sociologist Dr. Tim Thomas, now a post-doc fellow at the University of Washington. Desmond encouraged Tim to conduct an analysis of evictions in 2013 in King County, with the ACLU and the Northwest Justice Project as partners. He published his King County research in his 2017 dissertation *Forced Out: Race, Market, & Neighborhood Dynamics of Evictions*.

What Tim found was that "neighborhood racial diversity, higher poverty, affordable housing, and market demand predict higher rates of evictions."² Rapid changes in neighborhoods such as gentrification increase housing insecurity for low-income renters—including the likelihood of getting evicted. Tim also found "a really big racial disparity: Black women were evicted seven times more than white women."

His research, Tim says, has been inspired by his own life circumstances. "I've always been keen on the concept of inequality: Who has a chance to participate and who doesn't," he says.

Forced Out points to prior research findings that show eviction has "long-lasting penalties"

"Many people don't know about the prevalence of evictions or who it impacts. And when you know, you can't un-learn that: You have to do something about it."

DR. TIM THOMAS

Postdoctoral Fellow, University of Washington
Department of Sociology and eScience Institute



that are "tied to "persistent hardships and poverty." These stem from the fact that eviction prevents households from achieving suitable housing in decent neighborhoods. And "neighborhood research reinforces how place matters when it comes to household opportunities, residential mobility, concentrated poverty, health, crime, and overall family outcomes."³

Last year, a coalition of stakeholders committed to increasing our state's tenant protections, including Representative Nicole Macri and Michele Thomas, Director of Policy and Advocacy for the Washington Low Income Housing Alliance (WLIHA), asked Tim to replicate his study for the entire state and make policy recommendations based on the findings. His testimony during the 2019 legislative session was critical in arguing for expanded tenant protections. "We had more data than we ever had before," says Rep. Macri.

The Washington State Evictions Project is the result of this statewide research performed by Thomas and his academic colleagues. "With this process, you can't un-see what you

just saw," Tim says. "Many people don't know about the prevalence of evictions or who it impacts. And when you know, you can't un-learn that: You have to do something about it."

As the graphics on pages 5 & 6 show, African-American and Latino renters, as a proportion of their racial groups, are getting evicted far more often than white and Asian renters—particularly in King and Pierce Counties, which are severely pressured by rising rents. "It's incredibly shocking," Tim says. "In King County, where there's only a seven-percent black population, there's a large proportion of that population facing a potential eviction."

² Thomas, Timothy Andrew, *Abstract*, "Forced Out: Race, Market, & Neighborhood Dynamics of Evictions"; <https://digital.lib.washington.edu/researchworks/handle/1773/40705>
³ *ibid.*, page 54



Evictions and Homelessness

A growing body of research emphasizes the connection between evictions and homelessness. One example is the study *Losing Home: The Human Cost of Eviction in Seattle*, published last year by the Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. *Losing Home's* research focused on 1,218 unlawful detainer cases filed against residential households in Seattle in 2017. Among its findings:

Most evicted respondents became homeless, with 37.5% completely unsheltered, 25.0% living in a shelter or transitional housing, and 25.0% staying with family or friends. Only 12.5% of evicted respondents found another apartment or home to move

into. Ultimately, eviction pushed low-income tenants out of Seattle: 43.5% of evicted respondents had to leave the city as a result.⁴

More than half (52.3%) of Seattle's 2017 unlawful detainer cases were filed over a rental shortfall of one month's rent or less.⁵ One might think that Seattle is an extreme example, since affordable housing is such a rare commodity. But many other studies, both regionally and nationally focused, show the same connection between evictions and homelessness.⁶

Tim believes this body of eviction data argues for tenant-landlord laws that slow down the eviction process and add due process protections to evictions. The 2019 extension of the pay-or-vacate period

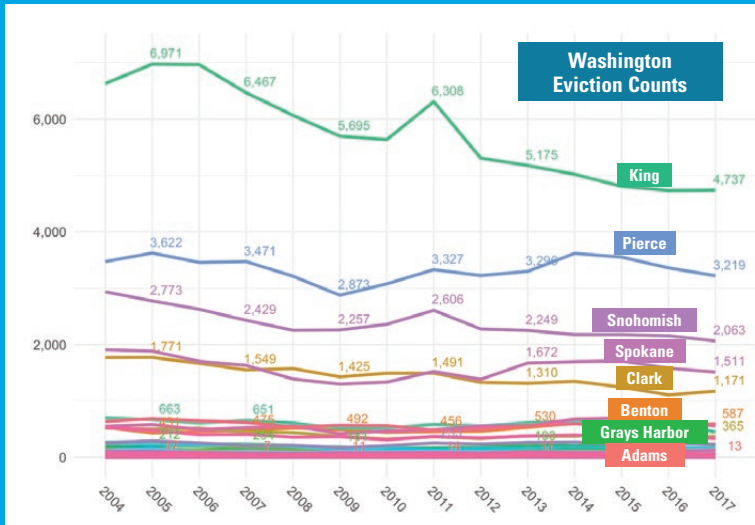
was groundbreaking, he says. What the data also—strongly—argue for is *more housing that's affordable to lower-income people*. Everyone interviewed for this issue emphasized how the crisis of affordability in our state is squeezing renters, increasing their rent burden, and contributing to the kinds of economic hardships that lead to evictions.

Ultimately, says Tim, "I'm studying evictions because they're part of a bigger problem, which is economic inequality and wealth gaps. And I'm a sociologist, so I think about the family structure," he says. "If you're forced to move somewhere, how does that impact education outcomes and well-being and health?"

⁴ [Losing Home: The Human Cost of Eviction in Seattle](#), Tara Cookson, PhD, Margaret Diddams, PhD, Xochitl Maykovich, Edmund Witter, 2018; pg. 60

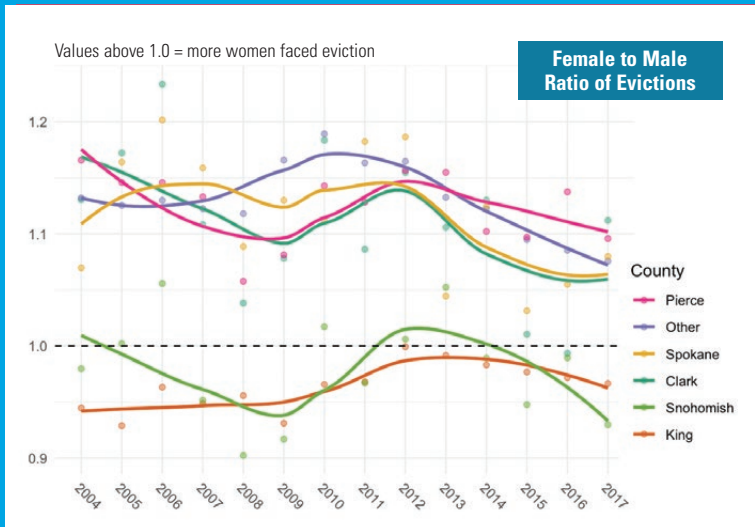
⁵ *ibid.* pg. 2

⁶ [Protect Tenants, Prevent Homelessness](#), National Law Center on Homelessness and Poverty, 2018



The Washington State Evictions Project

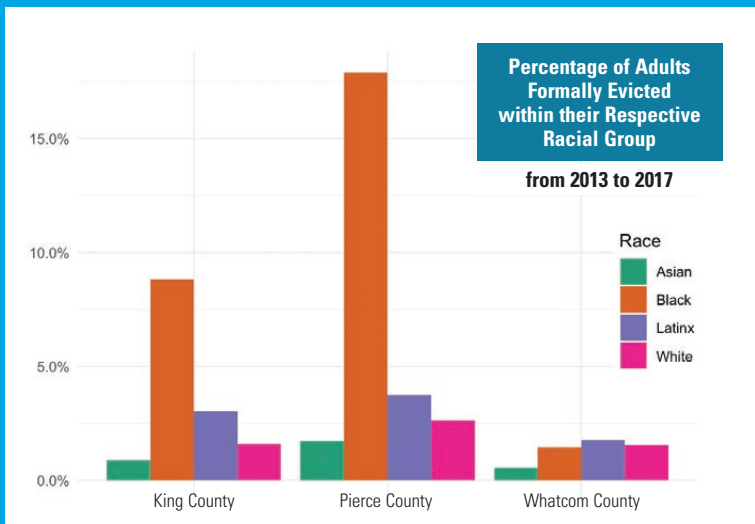
- **271,458 cases since 2004**
(About 17,000 to 22,000 per year)
- **1 in 55 WA. adults between 2013 to 2017**
(130,203 adults or 1.8% of population)
- **397,697 adults since 2004**



Evictions by Gender

- **Women are evicted about 6% to 10% more than men across the state**
- **Rates are different for different counties**

Data source: UW Washington Evictions Project data



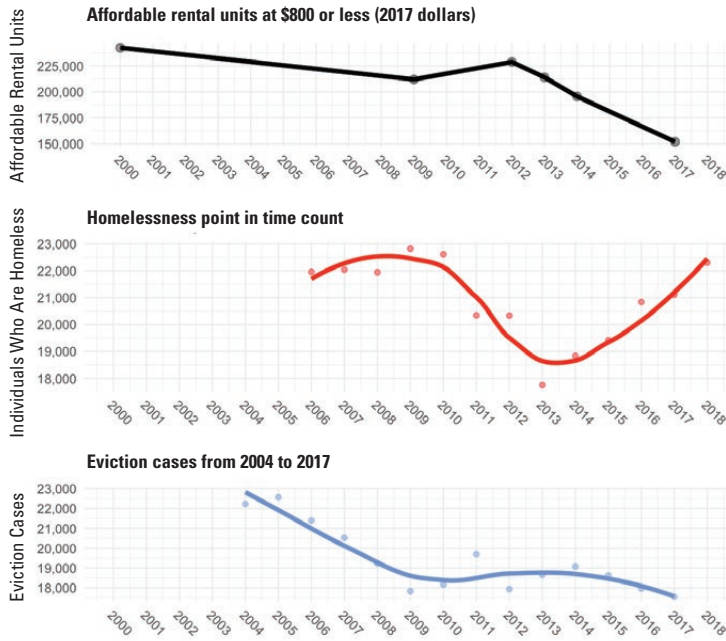
Evictions by Race

- **1 in 6 Pierce Co. black adults**
(17.9% of the black adult population)
- **1 in 11 King Co. black adults**
(8.8% of the black adult population)
- **1 in 100**

Data source: UW Washington Evictions Project data

Graphics credit: Tim Thomas

Washington Trends in Affordable Housing, Homelessness, and Evictions



Affordable Housing, Homelessness, & Evictions

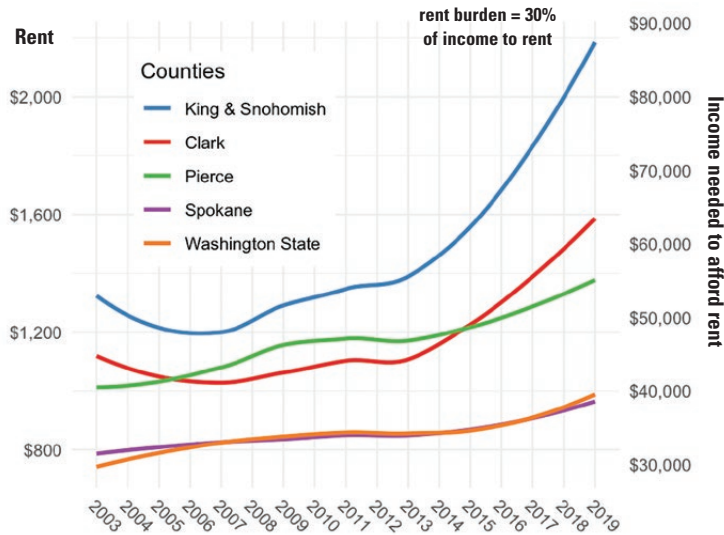
- Washington trends in affordable housing, homelessness, and evictions

Data source: US Census American Community Survey, Washington State Department of Commerce Annual Point of Time Count

Fair Market Rent for all Bedroom Types (left)



Income Needed to Avoid Rent Burden (right)



Fair Market Rent & Rent Burden

- Fair market rent for all bedroom types (left)
- Income needed to avoid rent burden (right)

Data source: HUD Fair Market Rent data & the Bureau of Labor Statistics consumer Price Index

Graphics credit: Tim Thomas

Reforms in Washington State: Imperatives and Impacts

The renter protections passed by our legislature in 2018 and 2019 are a giant leap forward—the biggest reforms to the Residential Landlord Tenant Act since it was originally enacted in the early 1970s. Our lawmakers have made a remarkable commitment to tenant safeguards—clearly acknowledging the toll of rising housing costs on low-income renters.

This section highlights several of the key tenant protections passed in 2018 and 2019 that will make a substantial difference for thousands of individuals and families.

Banning Source of Income Discrimination

Michele Thomas has led the policy and advocacy work of the Washington Low Income Housing Alliance for a decade. For at least that long, she and other advocates worked to pass the Source of Income Discrimination bill.

Why so long? It took that much time “to educate lawmakers on why this discrimination was having a huge impact on our ability to prevent and end homelessness,” Michele says.

Source-of-income discrimination occurs when a landlord turns down a rental applicant because of where their rental payment comes from—most commonly, a voucher such as Section 8. This reflects prevalent stereotypes about families who receive rental assistance.

It also reflects systemic racism—in effect if not in intent. People of color are disproportionately affected, as they are more likely to be renters in general, and also are more likely to use rental assistance to help pay a portion of their rent.

Michele points to the numbers: 69 percent of black households, 57 percent of Latino or Hispanic households, and 66 percent of Native Hawaiian or Pacific Islander householders in Washington state are renters. But just 33 percent of white households are renters. “That’s why tenant protections are such a huge racial equity issue,” she says.

In 2018, this landmark legislation outlawing source-of-income discrimination finally passed, and went into effect a few months later in September 2018. Almost a year later, I ask whether it’s working as intended. “I would say

it’s still rolling out,” Michele says. “Tenants are still learning about their rights; social workers and advocates are helping tenants to enforce it; and landlords still need education on their rights and responsibilities.”

Thousands of advocates have contributed to this act’s passage over the years. Michele singles out the enduring commitment of tenant advocate Mindy Woods, who spent seven years sharing her experiences with discrimination and homelessness with legislators in Olympia. “Mindy told her story over and over again, helping the Housing Alliance show the connection between tenant protections and preventing and ending homelessness,” says Michele. “Her testimony was key to getting this through.”

Mindy, a disabled Gulf War Veteran and single mom, is passionate about fighting to ensure others don’t have to experience homelessness like she did—twice. Her story is one of persevering despite facing discrimination, first when her family lost housing, and then when landlords repeatedly refused to accept her Section 8 housing voucher.

Mindy is a member and leader of the tenant-directed advocacy organization Resident Action Project, which was launched with the help of WLIHA in 2015. “We’re people with lived experience as tenants, coming together and creating a bigger voice for policy change,” she says. “We’re sharing our stories and educating the public on how easily homelessness can happen. No one is immune to it. There’s just so much misperception.”



“We’re people with lived experience as tenants, coming together and creating a bigger voice for policy change.”

MINDY WOODS
Resident Action Project



Banning source of income discrimination required 10 years “to educate lawmakers on why this discrimination was having a huge impact on our abilities to prevent and end homelessness.”

MICHELE THOMAS
Director of Policy and Advocacy
Washington Low Income Housing Alliance (WLIHA)





Eviction Reform

The fact that it *didn't* take 10 years to pass the Eviction Reform Act (SB 5600) in 2019 is a striking testament to the commitment of all those who worked to reach “a hard-earned compromise through hours and hours and hours of negotiations,” says Senator Patty Kuderer. She and Rep. Macri, the bill’s prime sponsors in the Senate and the House, convened extended meetings that included landlord and tenant advocates, public housing authorities (HAs), and private property managers.

Prior to the bill’s passage, tenants could be evicted for non-payment of late fees. These fees are not controlled by the legislature and can be significant. Most evictions, however, are for non-payment of rent—although in the majority of situations, it’s for an amount equal to one month’s worth of rent or less, Sen. Kuderer notes. Tragically, tenants facing evictions prior to the act’s passage often ended up owing much more in attorneys’ fees, court costs, and late fees than they ever owed on rent.

The Eviction Reform Act offers much-needed breathing room and support for tenants who’ve missed a rent payment. Here are some of its key provisions:

- Tenants can only be evicted for non-payment of *rent* (not other fees and charges).
- The “pay or vacate” notice period has increased from three to 14 days.
- A common 14-Day Notice to Pay-or-Vacate form must be used, which can potentially save landlords and tenants substantial attorney fees.
- Any payments made by the tenant must be applied to rent first before being applied to other nonrecurring charges.
- Tenants have the opportunity to reinstate their tenancy after an eviction judgment. This will be automatic if they pay 100% of the judgment within five court days.

- Beyond that five-day period, a judicial process is set in motion. Judicial discretion is now allowed, based on the evidence of seven factors (for example, medical emergency). After the court weighs these factors, a tenant may be permitted up to 90 days to repay the judgment.
- The judgment for late fees is capped at \$75.
- There are significant limitations on when a tenant can be charged the landlord’s attorney fees.
- The law also appropriates \$1 million to the Washington State Landlord Mitigation Fund⁷ to satisfy judgments entered resulting from an eviction and reinstatement. This Fund can now be applied to repayment of an eviction judgment. The tenant is required to repay the judgment; failure to repay will bar the tenant from future access to the Fund’s support for eviction reinstatement.

Separate from the bill, a budget proviso was passed in the state operating budget to fund a study of the impact of legal representation for tenants on the outcomes of evictions. Tenant rights’ advocates argue that having a right to representation helps equalize the courtroom. They are excited about the opportunity to explore this issue.

⁷ The Landlord Mitigation Law, effective June 2018, incents landlords to work with tenants receiving rental assistance through offering risk mitigation funding. The Fund, through the Landlord Mitigation Program, offers up to \$1,000 in reimbursement for move-in upgrades, up to 14 days’ rent loss, and up to \$5,000 in qualifying damages caused by a tenant during tenancy. With the passage of SB 5600, it can now be utilized for eviction judgment payments.



“We worked really hard and collaborated to try to make something that addresses the needs of the residents, *but also protected the landlord.*”

BRETT WALLER

Director of Government Affairs
Washington Multi-Family Housing Association (WMFHA)

Landlords' Concerns

“One of the pieces we wanted, which was incorporated into Senate Bill 5600, provides residents who receive Pay-or-Vacate notices with information about where they can find financial resources in the community,” says Brett Waller. Brett is Director of Government Affairs for the Washington Multi-Family Housing Association (WMFHA), which represents about 230,000 apartment homes in some 1,500 communities across the state. Members are primarily owners and managers of the larger apartment properties in the state.

When a tenant faces a financial shortfall, Brett notes, it's often a matter of which bill should be paid first. Should tenants use the rent money “to fix their car so they can continue going to work on time and as scheduled—or to pay their rent? Having the opportunity to reach out to these programs, particularly community programs to find those resources and bridge that gap for them, we felt was very important.”

Adding judicial discretion to eviction proceedings was also supported by Brett's organization. “We worked really hard on that

and collaborated with the Housing Justice Project and the Washington Low Income Housing Alliance to try to make something that worked for everyone—that addresses the needs of the residents who are in that situation, but also protected the landlord.”

There are situations, Brett says, where financial issues present the opportunity “to remove an individual who acts poorly in the community and affects the health and safety of other residents. And that's something that we continue to work on, because behavior-related evictions are very difficult to pursue and very challenging because of that evidentiary burden that exists in our judicial process.”

This leads to another point raised by landlords' advocates during the negotiation process: How regulations can create a ripple effect of unintended—and unwished for—consequences. “The harder you make the eviction process, the more property owners are going to want to look at who is coming into that unit and the risks associated with that from a cost standpoint,” says lobbyist Kyle Woodring. Kyle's organization is 6,000-member Rental Housing Association of Washington (RHAWA). RHAWA's members are mostly

mom-and-pop owners of rental homes; the vast majority own less than 10 units.

Kyle argues that, along with new tenant protection policies, we need to prioritize increasing the supply of affordable housing—both below-market subsidized housing for low-income people, and market-rate housing that's truly affordable to people earning moderate wages. “When we do regulation, governments need to look at how they're going to subsidize the costs of these regulations—or create more housing so that the market can flatten those costs out,” he says. New regulations create more costs and, “along with property taxes and energy costs going up, it all ends up affecting the price of rent.”

Washington's Housing Authorities: Landlords and Tenant Advocates

Michael Mirra, Executive Director of Tacoma Housing Authority (THA), was a key contributor to the negotiations on SB 5600. He, along with THA colleague Aley Thompson, Seattle Housing Authority Director of Intergovernmental Regulations Lisa Wolters, and Yakima Housing Authority Executive Director Lowell Krueger, represented the interests of the Association of Washington Housing Authorities (AWHA).

They brought a unique perspective to these discussions. Because of the public housing they operate, they are major landlords—in fact, sometimes the largest landlord in their community. As such, they must on occasion evict tenants—though “when we do, it is only after other measures do not work and we judge eviction to be necessary to protect the portfolio and neighbors,” Michael says.

But housing authorities also, Michael emphasizes, “have a social-justice mission to speak up for the interests of low-income

residents of their communities, whether or not they are housing authority tenants,” he says. Therefore, AWHA generally supports strong tenant protections.

But tenant protections can also work against some tenants, especially low-income ones. Michael gives two examples. First, in the case of a troublesome or abusive neighbor, he says, nearby tenants likely share the landlord's interest in removing that neighbor quickly. For tenants in subsidized housing, “their low income and dependence on the subsidy means that they cannot easily move away. Instead, they rely on the landlord's ability to address the situation and at times evict the neighbor.”

The second example illustrates points raised by Brett and Kyle: When the law makes it overly burdensome to evict a tenant, “private landlords may be less willing to take a risk on a tenant applicant with a weak credit, rental, or criminal history.” This hurts low-income tenants in general.

Also, private landlords are important business partners for the housing authorities. “We need them to participate in our housing assistance programs,” Michael says. “We must

be alert to any change in the law that will make that more or less likely.”

It wasn't easy to straddle both sides of the table during the Act's negotiations. “We expected we would have turbulence from both tenant and landlord advocates, and that turned out to be right,” Michael laughs. “But we hope we were at least helpful to the legislature. We negotiated to a point we could live with.”

Michael's biggest concern is how the new eviction law currently defines a tenant's right of reinstatement of tenancy from the court. “We did not participate directly in that part of the discussion. We watched it from the sidelines, mainly worried about clarity.” He hopes to see more refining of this language in future legislative sessions.

He asks me to share AWHA's thanks to Rep. Macri and Sen. Kuderer for inviting them to participate in the discussions during the session. Says Rep. Macri, “Michael did a ton of work on this bill and was instrumental in its success.”



Housing authorities “have a social-justice mission to speak up for the interests of low-income residents of their communities, *whether or not they are housing authority tenants.*”

MICHAEL MIRRA
Executive Director
Tacoma Housing Authority



“Sometimes landlord/tenant relationships don’t go well and they need to be ended in some way. An eviction court should be a model for a just resolution to terminating a lease when that needs to happen.”

STATE REPRESENTATIVE NICOLE MACRI
D-43rd District

Legislating Fair and Just Resolutions

In writing this law, Rep. Macri notes, she and her fellow legislators were intent on striking a balance between the interests of tenants and landlords. They looked at a wide range of factors, from eviction data to anecdotes about the growing impacts of the housing affordability crisis and how they relate to eviction.

“Sometimes landlord/tenant relationships don’t go well and they need to be ended in some way. An eviction court should be a model, really, for a just resolution to terminating a lease when that needs to happen,” Rep. Macri says.

“You try to foresee how policy will impact people in real life and to cut through some of the doomsday messages you hear. We’ll learn if we struck the right balance over time.”

States with longer notice periods for evictions and similar reforms, she says, “are neither the states with the highest rents, or with the lowest number of renters. So it seems like private landlords operate fine in a context like this.”

Adds Sen. Kuderer, “The evidence showed us that inflexible eviction policies were a major

source of housing instability around our state—and that if we were going to be serious about long-term prevention we had to address that primary driver.” She notes that, “it takes about seven to 10 days for tenants to access diversionary resources that can enable them to stay housed. Many of these individuals are living paycheck to paycheck.”

In other states with a longer pay-or-vacate notice period (14 days versus Washington’s original three days), Sen. Kuderer says, “there’s no cascading effect: The tenant did not have the same shortfall problems month after month. They were able to make up the shortfall that month and remain in the tenancy.” In other words, if the objective is to decrease evictions and keep people housed while making sure the landlord gets paid, this act should pose a minimum of disruption.

“I know many excellent landlords who care very much about their tenants. I think this law won’t even impact them, because they’re going to continue with their same high-quality practices that have worked for them over many years,” Sen. Kuderer says.

Both legislators have had experiences as landlords themselves. Sen. Kuderer has

previously owned a rental home, while Rep. Macri’s ‘day job’ is deputy director of Seattle’s DESC, which owns and manages more than 1,400 units of supportive housing for formerly homeless tenants.

Tenant Notification Reforms

Two long-overdue reforms by the legislature expanded the timeframe for tenants to plan ahead for a move and budget for a rent increase.

HB 1440, introduced by Representative June Robinson, gives tenants more time to accommodate a rent increase: a minimum of 60 days’ prior written notice (up from 30 days). In addition, the rent can’t be raised before the end of the lease period.

The exception to the 60-day rule applies to tenants whose rent is subsidized based on income. This is because these subsidies, such as Section 8 vouchers, are governed by existing program rules. Should these tenants’ income increase to a point that triggers a decrease in their rental subsidy, the law requires that they be given 30 days’ prior written notice of their rent increase.

HB 1462 expands the notification period for termination of a lease from 20 to 120 days when the owner plans to renovate, demolish, or change the use of a property. (One specific exception is when property owners plan to use a property as their own residence.)

Last year, the Tiki Apartments in Tacoma became a poster child for the crushing impacts displacement has when low-income tenants are given just 20 days to move after the sale of their homes. Many of these tenants had disabilities. The Tiki's sale for redevelopment and its aftermath inspired Tacoma mayor Victoria Woodards and the Tacoma City Council to explore, and ultimately pass, greater tenant protections for Tacoma residents in 2018.

"We don't want to have repeat situations like the Tiki," Brett says. Since these kinds of redevelopments frequently occur in run-down properties and/or those catering to low-income people, "the residents living there often have some barriers to housing," he adds. "We felt that we needed to create a regulatory measure to give those folks more time." Brett and WMFHA worked with Senator Andrew Barkis, the bill's prime sponsor, in launching HB 1462. In addition, WLIHA asked for, and got, an enforcement mechanism to ensure landlords will abide by the 120-day timeline. ■

2x longer rent increase notice (HB 1440)*

from 30 days to 60 days minimum

6x longer termination of lease notice (HB 1462)*

20 days to 120 days minimum

* See preceding "Tenant Notification Reforms" section for details and exemptions.





Manufactured/ Mobile Home Parks: Protecting Residents

About 64,000 manufactured homes are sited in parks and communities in our state. For many retirees and other low-income residents, this is stable housing they can afford. They are typically homeowners, in the sense that they own the “mobile” home where they live, but pay rent to the owner of the land under their community. When that land is sold—as is happening more frequently as real-estate values skyrocket—residents usually cannot afford to move the home they own anywhere else, nor can they find rental housing that is remotely affordable.

One successful work of legislation introduced by Sen. Kuderer and passed in the 2019 session, SB 5183, offers a range of supports that will help preserve affordability and flexibility for residents and park owners.



“These are one of the most affordable homeownership and rental opportunities we have.”

STATE REPRESENTATIVE CINDY RYU
D-32nd District

Rep. Cindy Ryu was key to building several of the bill’s provisions over the last few years on the House side. The new legislation’s protections include:

- Creating a relocation program to assist low-income tenants whose parks are facing closure or conversion
- Adding mobile-home park and manufactured-housing cooperatives to the property-tax exemption for nonprofits who provide rental housing to very-low-income households
- Reinstating the real estate excise tax exemption for certain sellers who transfer or sell the land to its residents or a nonprofit
- Limiting cities’ and counties’ ability to prohibit the siting of new homes on existing lots.

This last provision is important, says Rep. Ryu, as it should allow park owners to replace older units “and actually be able to keep their parks up. These are one of the most affordable homeownership and rental opportunities we have.”



Landlord Liaison Programs: Protecting the Interests of Tenants, Rental Applicants, and Landlords

We need landlords. They are critical partners in helping us address our state’s affordable housing crisis. Here at the Commission, we work with property managers and owners, both public and private, every day. We need the biggest possible tent of stakeholders and supporters in order to finance and build new housing and sustain what we have.

Growing efforts and programs are proactively reaching out to landlords and paving the way for more successful tenancies for our state’s most vulnerable residents.

Organizations like Housing Connector in King County and the Landlord Liaison Program in Pierce County are building bridges between landlords and service providers, providing referrals and support to households facing rental barriers. The King and Pierce County programs offer incentives for landlords to participate, including damage mitigation funding and case management support for enrolled tenants.

Both Brett and Kyle mention how their organizations encourage members to participate in liaison programs like these. For RHAWA’s mom-and-pop landlords, Kyle says, helping people with subsidies and other supports to find rental housing in the private marketplace fills gaps that governments can’t accomplish alone in building an adequate supply of housing for high-barrier populations. “We’re always advocating for and trying to make these connections—building a better network so that folks can find our people and our people can get on board with these public/private partnerships,” he says.

Brett names a number of liaison programs WMFHA partners with, including Mary’s Place in the Puget Sound area, Spokane’s Supportive Services for Veterans, and various housing authority-sponsored programs. “These have been great partnership opportunities that help people access permanent housing and engage housing providers, social service providers, and tenants in successful relationships,” he says.

Spokane Housing Authority’s Landlord Liaison and Referral Voucher Programs

Landlord liaison programs typically focus both on helping people find a home they can afford—and helping them succeed in keeping that home. “If we’re housing a family that lacks the necessary protections and support and they’re unsuccessful, what did we really do for them?” poses Alex Liberman. Alex is Director of Housing Assistance Programs at Spokane Housing Authority.

If a tenant lacks those supports, both eviction and homelessness can result, along with an eviction becoming part of a person’s permanent record, Alex notes. Preventing this from happening was a big inspiration for Spokane Housing Authority’s liaison program, launched one year ago. Through the program, it’s become clear that open and honest communications with landlords and tenants are key to successful relationships.



“If we’re housing a family that lacks the necessary protections and support and they’re unsuccessful, what did we really do for them?”

ALEX LIBERMAN
Director of Housing Assistance Programs
Spokane Housing Authority



The RVP: Pairing Vouchers with Partner Agencies' Supportive Services

Spokane HA actually started working with a liaison-type model back in 2015, when it created its innovative Referral Voucher Program (RVP). The objective? Help more Housing Choice Voucher recipients actually secure homes.

In 2013, when Pam Tietz became Spokane HA's executive director, only about 37% of these vouchers were being used, because the holders couldn't find housing that would accept them. Spokane HA's experience was not unique. In many areas like Spokane where affordable rentals are scarce and vacancy rates are low, market forces—and the usual source-of-income discrimination—create huge headwinds for voucher recipients.

Pam's innovation was to invite nonprofit and government service agencies to partner with her housing authority to help those with the greatest need secure homes and successfully keep them. Nine agencies were ultimately awarded contracts through a competitive process, with 25 vouchers per month dedicated to

the program. These agencies serve the elderly, disabled, and families with children. They provide voucher holders with hands-on assistance throughout the rental search process, including locating suitable housing and convincing landlords to say yes.

The result? In the first year of the program, 84% of housing applicants were successfully housed. Less than 1% ultimately left their housing due to non-compliance. The RVP continues to achieve successful lease-up numbers and has since been expanded.

A resource for creating successful outcomes

The success of the RVP convinced Pam and Alex to hire a full-time landlord liaison at Spokane Housing Authority. Jessica Flaig's salary is partially supported by a grant from United Way, which funds one-half of her role: working with homeless and at-risk youth. Young adults seeking housing are often at a great disadvantage because of a lack of, or negative, credit and rental history. "I've been able to place people who have some really challenging backgrounds," she says.

For Jessica, the key to her work as a liaison "is relationship building—and constantly cultivating these relationships." At the start of getting to know a landlord's needs, she asks about issues they've had in the past, their questions, their concerns. "I try to be here as a resource continuously," she says. "I want them to be able to call me for mediation, for issues like being behind with rent." Getting these calls means she can respond quickly when problems arise, hear out their concerns and needs, and frequently remedy an issue before it becomes an eviction.

"Serving notices and evictions are a burden administratively and financially to landlords," Alex adds. "If there's a way that they can avoid it, they're all about that. If a conflict arises and we can create a path to a positive outcome, that's what we want to do." ■



"I try to be here as a resource continuously. I want [landlords] to be able to call me for mediation, for issues like being behind with rent."

JESSICA FLAIG
Landlord Liaison
Spokane Housing Authority





Key tenant protections in Washington state: An overview

In addition to the Federal Fair Housing Act of 1968, which outlaws housing-related discriminatory practices, Washington state and local jurisdictions have enacted tenant protections.

- The Washington State **Residential Landlord-Tenant Act** of 1973 is a wide-ranging law that governs the rights, responsibilities and protections of landlords and tenants. Its big vulnerability: It's a "self-help" act, not enforced by any entity or agency.
- Washington passed the "**Slumlord Accountability Act**" in 2005. It guarantees relocation assistance for tenants when a property is shut down due to a landlord's negligence.
- The **Fair Tenant Screening Act**, passed in 2012, increased transparency for rental applicants statewide. It requires landlords to disclose their screening company and the criteria they use to screen tenants. Landlords must also explain to tenants why their application was rejected. The following year, Part II of the Act was passed, protecting domestic-violence survivors from housing discrimination.
- The **Order for Limited Dissemination of an Eviction Record**, passed by the state legislature in 2016, enables tenants to have their eviction case records excluded from future tenant screening reports. Prior to this legislation, even when eviction cases were dismissed or settled, they were permanent negative marks on tenants' records.

Passed by the 2018 State Legislature:

- **Source of Income Discrimination.** This act makes it illegal for landlords to discriminate against tenants who use federal, state, or locally issued benefits to pay their rent. (Seattle banned this discrimination in 2016.)

Passed by the 2019 State Legislature:

- **Eviction Reform (SB 5600).** Tenants are now allowed 14 days (up from three days) to catch up on late rent before losing their homes. In addition, this act gives eviction-court judges discretion in considering extenuating circumstances like a job loss or medical issues. It expands the Landlord Mitigation Fund, which enables landlords to receive judgment payments quickly—and gives tenants

more time to pay. Late fees are capped at \$75; the Act also limits the amount of attorney fees tenants are required to pay.

- **Notice of Rent Increases** (HB 1440). Most tenants, except those receiving government rental subsidies, must be given 60 days' notice of rent increases (up from 30 days).
- **Improving Rights of Manufactured Housing Homeowners** (HB 1582). This omnibus bill improves the rights of homeowners who rent their land, including: increasing the time to pay or vacate from five to 14 days; limiting rent increases; increasing the time to comply with rule changes or violations; and allowing tenants to request an order of limited dissemination of an eviction record (similar to the right granted to rental tenants in 2016).
- **Notices of Termination** (HB 1462). Landlords must give 120 days' notice to terminate a tenancy if the reason is the property's demolition, substantial rehabilitation, or change of use. Prior to this, just 20 days' notice had been required.

Local Jurisdiction Ordinances

▪ Seattle

Seattle has had a **just-cause eviction** ordinance on the books since 1980. In order to end a tenant's lease, landlords must state one of 18 approved reasons for termination.

In recent years, Seattle has enacted a series of wide-ranging tenant protection ordinances, including: a first-in-time policy for renting to qualified applicants; capping the total amount of security deposits and nonrefundable fees landlords can charge at no more than one month's rent and requiring that these can be paid over a six-month period; prohibiting landlords from raising rents on properties that have major code violations; and banning criminal background checks on prospective tenants and prohibiting landlords from rejecting tenants based on criminal records.

▪ Tacoma

A new law in Tacoma, which took effect in February 2019, requires landlords to give month-to-month tenants 60 days' notice to terminate their lease. Other new protections in Tacoma include installment payments for tenants' move-in fees.

Just Cause and Move-In Protections for Tenants: Work Remains for the 2020 Session

Two major tenant reform bills didn't make it out of the House and/or Senate this past session. Legislators and tenant advocates, including WLIHA, plan to revisit these issues in the 2020 session.

Just Cause (HB 1656/SB 5733)

"Just cause" or "good cause" ordinances require landlords to provide a legitimate business reason for terminating a tenancy. Proponents cite the value of these laws in protecting tenants from retaliatory and discriminatory evictions. Just cause also gives tenants a measure of security in tight rental markets.⁸ Just cause bills were sponsored this year by Rep. Macri and Senator Rebecca Saldaña.

Opponents argue that they infringe on owners' fundamental property rights and can discourage landlords from taking a risk on renting to people with less-than-sterling credit, rental, or criminal histories. That's because these laws typically place a greater legal and financial burden on landlords when they choose to launch eviction proceedings.

A "probation" position, supported by AWhA, would have just cause kick in after a certain number of months into a residential tenancy. This would help to address landlords' concerns about the risks involved when they extend a lease to tenants who have weaker histories.

This is a complex and nuanced topic. Yet just cause has been applied successfully. The City of Seattle, for example, has had just cause on its books since 1980. And the state of Oregon just passed a just-cause law during the last legislative session. Many jurisdictions,

including the states of New Jersey and New York, and many California cities, have some form of just-cause regulations.⁹

Sen. Kuderer, who chairs the Senate's Housing Stability and Affordability Committee, brings up an article entitled "Landlords Are Already Scheming of Ways to Dodge New Eviction Laws" that appeared in Seattle's *The Stranger* newspaper¹⁰ soon after SB 5600 was passed. The article describes a meeting of landlords, during which an eviction consultant advised owners of properties outside of Tacoma and Seattle (which have stricter eviction ordinances on the books) on how to get around the act's provisions—by filing 20-day eviction notices instead.

"I didn't sign on to a just-cause bill last year because I wanted to see SB 5600's implementation—and to see all stakeholders to come out of this with good faith," says Sen. Kuderer. "No party got everything they wanted." But if SB 5600 is undermined, she says, "our work isn't done.... So I fully expect that [just-cause] bill to come back next year and I will be giving it a public hearing."

Payment plans for move-in fees (HB 1694)

House Bill 1694, sponsored by Representative Melanie Morgan, would have required landlords to provide three-month payment plans for tenants' move-in fees. Fees such as security deposits and the last month's rent can amount to many thousands of dollars—raising a particular barrier for people attempting to exit homelessness.

Currently, state law doesn't limit the amount of fees and deposits a landlord can charge, and they can vary considerably from landlord to landlord. Although HB 1694 didn't treat with fee limits, by requiring landlords to allow people to pay fees over time, it would have eased one financial barrier to securing housing. ■

⁸ THA researched and created a report last year to help the City of Tacoma in its deliberations of tenant protections. This document provides a useful overview of the pros and cons of good-cause and extended-notice practices.

⁹ *ibid.*

¹⁰ Rich Smith, "Landlords Are Already Scheming of Ways to Dodge New Eviction Laws," *The Stranger*, May 30, 2019.

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STATE SENATOR PATTY KUDERER
D-48th District







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