

SUMMARY OF TACOMA'S LANDLORD FAIRNESS CODE INITIATIVE



This is a summary of some of the high notes of the newly passed Tacoma Landlord Fairness Code Initiative (TLFCI) which is effective as of December 8, 2023.

While the full application of the initiative is more complicated and nuanced, this overview highlights the general operation of the initiative.

Banning School Year Evictions

This protection bans eviction during the school year if “the tenant or any resident” is (1) a child or student; (2) a person having legal custody of a child or student; (3) or an educator.

This protection is broadly worded and is not limited to households with children in schools. (applies if any resident is under the age of 18 or enrolled in a school). “School” is also broadly defined and includes most educational environments, from childcare or early childhood education through twelfth grade (and continues for special education plans extending beyond twelfth grade).

Banning Cold Weather Evictions

This protection bans all evictions that require a tenant to vacate their dwelling unit between November 1 and April 1. Unlike the school year eviction ban—which has several qualifying restrictions, even if broadly worded—this ban applies to all tenancies.

Exceptions to School Year and Cold Weather Eviction Bans

A landlord may still evict a tenant otherwise protected by the school year or cold weather eviction ban, if the basis for eviction is:

- 1. The owner or the owner’s immediate family intends to occupy the unit;*
- 2. The unit has been condemned;*
- 3. A landlord in a shared living situation asking a roommate to vacate;*
- 4. Sexual harassment by the tenant;*
- 5. Drug-related nuisance on the premises;*
- 6. Waste, nuisance, or unlawful activity on the premises; or*
- 7. The tenant’s conduct has a “substantial detrimental impact” or “constitutes an immediate threat” to the health or safety of other tenants or the owner.*

Landlords Must Comply with ‘Tenant Protection Laws’ Before Raising Rent or Evicting

Under the initiative, a landlord cannot increase rent if either

- (1) the COT has determined the landlord is in violation habitability requirements (the unit is in disrepair); or*
- (2) or the tenant has submitted a request for repairs to the dwelling unit.*

The tenant request for repairs can be provided at any time before the rent increase is set to take effect and the landlord must complete the repairs before the increase is effective.

Also, if the landlord proceeds to an eviction hearing, it is a defense to the eviction that repairs have not been made at the time of the hearing.

MORE INFORMATION ON THE INITIATIVE and other landlord-tenant and housing resources from the Housing Justice Project are available at www.tacomaprobono.org/hjp.

SUMMARY OF TACOMA'S LANDLORD FAIRNESS CODE INITIATIVE - PAGE 2



Rent Increases

The minimum notice for a rent increase (of any amount) is now 6 months under the initiative. A second reminder notice must also be sent between 3 and 4 months before the increase takes effect.

If a rent increase is between 5 and 7.5%, and the tenant chooses to vacate instead of paying the increase, the landlord must provide the tenant with two months of rent as relocation assistance. The landlord must pay this amount within 30 days of the tenant's written request. // If the rent increase is between 7.5% and 10%, then the landlord must provide 2.5 months of rent as relocation assistance. // If the rent increase is over 10%, then the landlord must provide 3 months of rent as relocation assistance."

The landlord must pay this amount to the tenant within 30 days of the tenant's request. This section does not apply to tenants with subsidized housing when the subsidy amount changes.

Banning 'Unfair or Excessive Fees'

The initiative places restrictions on most types of charges or fees:

- 1. All rental application fees are banned except for the actual cost of tenant screening;*
- 2. Pet deposits of over 25% of a month's rent (landlords can only retain actual damages caused by the pet);*
- 3. All other non-refundable fees—except as specifically allowed under state law—are banned;*
- 4. When totaled up, any move-in fees cannot exceed one month's rent.*
- 5. Also, a landlord may not charge a tenant more than \$10 in late fees per month.*

Protected Classes of Tenants

The initiative aims to prevent "discriminatory" evictions against military members, first responders, seniors, family members, health care providers, and educators. It is violation of the initiative and a defense to eviction if an eviction is "based upon" the tenant being in one of these classes.

For family members, the initiative goes further. It is a violation of the initiative and a defense to eviction, to evict a tenant for having an "immediate family member" residing in the dwelling unit. An immediate family member is widely defined as "spouse, domestic partner, or partner in a committed intimate relationship; and parents, grandparents, children, grandchildren, siblings, nieces, and nephews, whether related by blood, marriage, domestic partnership, or committed intimate relationship."

The only exception is if the family member(s) in the dwelling unit exceed the occupancy limits set by federal, state, or local law.

Penalties

The initiative sets forth numerous penalties. Each violation of the initiative in any way exposes a landlord to a penalty of \$500 and up to 5 months' rent (in addition to attorney's costs and fees). For a rent increase violation, the minimum penalty is 3 months' rent. For failing to pay relocation expenses, the minimum penalty is three times the relocation assistance amount.

Contact the Housing Justice Project

ONLINE www.tacomaprobono.org
PHONE (253) 572-5134 10-12 M-Th
WALK-IN 1-3 pm M-Th
ADDRESS 601 Tacoma Ave S.

Lakewood City Hall, 9-12 Thursdays
See Legal Aid Pop-Up Schedule on
the Events Calendar on our website
for library/community walk-in hours