

# HOUSING JUSTICE PROJECT

*Overview of  
Evictions*

# Overview of Services

## WHAT IS THE HOUSING JUSTICE PROJECT?

- Free legal aid clinic providing eviction defense for low-income tenants in King County
- HJP also does policy work to help strengthen tenant protections across the city, county and state.

## HOW DO CLIENTS ACCESS SERVICES?

- Pre-Covid, in person walk-ins only
    - Superior Courthouse in downtown Seattle, W-321
    - Regional Justice Center in Kent, room 1281
- Monday – Friday, 8:00am-10:30am

HJP currently operates remotely only. Clients can call and leave a voicemail at (206) 267-7069 or e-mail [hjpstaff@kcba.org](mailto:hjpstaff@kcba.org) and someone will be in touch within 2-3 business days.

## WHAT WE CAN HELP WITH:

- Legal counsel and advice for tenants with eviction related issues
- Respond to eviction paperwork
- Negotiate with landlords/attorneys
- Representation at eviction (show cause) hearings
- Referrals and resource information

## WHAT WE CANNOT DO:

- Sue your landlord
- Evict a roommate/subtenant
- Help with issues concerning security deposits, eviction records
- Help landlords, commercial/business tenants, homeowners
- Serve tenants outside of King County

# How & When

## WHEN/WHY SHOULD I CONTACT HJP?

- For legal advice about an eviction issue
- If you've received an eviction notice from your landlord
- If you have an eviction hearing
- If you need assistance responding to eviction paperwork

## HOW DO I ACCESS SERVICES?

- Call our hotline at (206) 267-7069
- Or email [hjpstaff@kcba.org](mailto:hjpstaff@kcba.org)
- In your voicemail or email, include:
  - ✓ Your name
  - ✓ Callback phone number
  - ✓ Preferred language if you need an interpreter
  - ✓ Brief description of your legal issue

## WHO IS ELIGIBLE?

- Low-income tenants in King County
- HJP SERVES TENANTS REGARDLESS OF CITIZENSHIP STATUS

## WHAT HAPPENS AFTER I CALL OR EMAIL?

- You will receive a call back from one of our staff or volunteers
  - Please allow up to 3 business days
- Intake with a legal assistant
- Have any documents ready to send via email
- Phone consultation with an attorney

# Moratorium(s)

**THE BRIDGE PROCLAMATION EXPIRED ON OCTOBER 31, 2021.**

## **SEATTLE MORATORIUM(s)**

- Expires February 14, 2022
- Landlords can only evict if a tenant is a threat to health and safety
- Seattle also has a winter moratorium, effective EVERY YEAR from December 1 – March 1 that applies to households at or below 50% AMI (Area Median Income) in the last 12 months

## **BURIEN MORATORIUM**

- Through end of Governor's State of Emergency Proclamation

# Eviction Resolution Program



HOUSING JUSTICE PROJECT

**HJP DOES NOT RECOMMEND TENANTS AGREE TO A PAYMENT PLAN WITHOUT CONSULTING AN ATTORNEY FIRST! MEDIATION IS NOT FOR EVERYONE AND THERE IS STILL A POWER IMBALANCE.**

# Rental Assistance

## EPRAP (EVICTION PREVENTION RENTAL ASSISTANCE PROGRAM)

Three components:

- 1) Landlord Program
  - Known as the “large landlord” payout fund – for landlords who have 5+ tenants behind on rent, they can ask to have all their tenants covered under this
  - Application has closed
- 2) Tenant Program
  - Known as the “lottery” system
  - ~500 names are drawn weekly
- 3) Hub & Spoke Program
  - Rental assistance provided through by-and-for providers to serve most marginalized tenants
  - Agencies are intentionally not advertised to be able to serve their existing clients/community

## LIMITED LANDLORD RELIEF PROGRAM

Thru the Department of Commerce, landlords must:

- Be sole investor
- Own less than 5 properties/units
- Make less than family median income
- Have tenant(s) who are non-communicative or not eligible for EPRAP

## LANDLORD MITIGATION PROGRAM

For unpaid rent accrued between Mar 1, 2020 – Dec 31, 2021, landlord may file for a reimbursement claim up to \$15,000 IF:

- ✓ Tenant is low-income or resource-limited or experiencing hardship and voluntarily vacated or abandoned the unit as a result; OR
  - Cannot be due to landlord filing an eviction
- ✓ Tenant defaults on a repayment plan and the tenant is still there

Landlord may not take legal action or pursue collections against the tenant for damages or any remaining unpaid rent not covered by the program

## LANDLORD DAMAGE RELIEF PROGRAM

Program has been around since June 7, 2018 for landlords that have screened, approved and offered housing to a tenant using a rental subsidy (except properties operated by housing authorities)

- Offers up to \$1,000 reimbursement for required move-in upgrades
- Up to fourteen days’ rent loss
- Up to \$5,000 in qualifying damages caused by a tenant during tenancy

# Challenges to RTC Implementation

## RIGHT TO COUNSEL

- Statewide RTC qualifications
  - Receives public assistance
  - Annual income (after taxes) at or below 200% federal poverty level
- Seattle RTC
  - Broader eligibility requirement – available to ANYONE who is unable to pay for an attorney
- RTC attaches once tenant receives a summons and complaint

## ACCESS ISSUES

- Remote appearance Zoom or phone based
- Relies on tenants having reliable access to phones, computers, internet, tech fluency
  - Attempt to locate instructions/understand what tenants have to do to access Zoom hearings:
    - <https://kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>
- Clients with interpreter needs/limited English access
- Access barriers frustrate negotiations with landlords/attorneys
- Result: high rates of default (i.e. eviction orders entered because tenant didn't appear)

# Challenges to RTC Implementation

## COURT BARRIERS

- Limited continuances granted
- Limited/no wait time when tenants struggle to attend hearings
- RTC attaches once summons has been issued
  - Eviction Resolution Pilot Program (ERPP) Issues
    - Lack of RTC/mediations occur with unrepresented tenants

## CASELOADS

- As local level moratoria lift, demand for representation will increase
- Seattle city-level moratorium will expire on February 14, 2022
  - Right now, only evictions allowed are those posing an immediate threat to health and safety

## RECOMMENDATIONS

- Longer term rental assistance programs
- Earlier RTC attachment/RTC in pre-eviction proceedings like ERPP mediations
- Increased investment in access improvements for most vulnerable tenants
- Consistent court practices re: RTC (continuances, delays for no show tenants, etc.)



# Just Cause Evictions

## **EVICTIONS ALLOWED IN SEATTLE STARTING February 14, 2022**

- i. Lease violations (10-day notice)
- ii. Nuisance, waste or other criminal activity (3-day notice)
- iii. No-cause termination exception (60-day), this is complex – tenants should talk with an attorney
- iv. Owner or immediate family wants to occupy the unit as principal residence (90-day notice)
- v. Owner wants to sell (90-day notice)
- vi. Owner wants to convert the property (120-day notice)
- vii. Unit condemned by local agency (30-day notice, less if landlord would be subjected to criminal or civil penalties)
- viii. Landlord shares dwelling unit with tenant and no longer wants to (20-day notice)
- ix. Transitional housing program expires, tenant ages out of program, tenant completed program & no longer is eligible (30-day notice)
- x. Lease expires and tenant doesn't sign new lease after landlord offered new lease at least 30 days before expiration
- xi. Intentional misrepresentation/omission of info on tenant's initial application that would've caused the LL to request additional info or take adverse action (30-day notice)
- xii. Other good cause constituting a legitimate economic or business reason (60-day notice)
- xiii. 4+ lease violations , even if cured, in past 12 months (60-day notice)
- xiv. Required to register as sex offender during tenancy, or failure to disclose in initial application (60-day notice)
- xv. Unwanted sexual advances/sexual harassment/assault towards prop owner, manager, employee or another tenant based on race/gender/other protected status (20-day notice)
- xvi. Main tenant vacates but other occupants remain and fails to apply to become a party to the rental agreement within 30 days or the application is denied

# Contact Us

## EMAIL ADDRESS

[hjpstaff@kcba.org](mailto:hjpstaff@kcba.org)

## HOTLINE NUMBER

(206) 267-7069

## WEBSITE

[www.housingjusticeproject.org](http://www.housingjusticeproject.org)