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Dear Seattle City Councilmembers:

On Monday, February 10, the Full Council will consider an ordinance prohibiting evictions 42 percent of the year. I write in opposition to this proposal and urge the Council to consider additional investment in emergency rental assistance programs. These programs are proven to be successful in preventing an eviction in the first place.

It is financially prudent to invest in emergency rental assistance before an eviction is filed, than wait for an eviction action to be filed, risking the tenant's housing and increasing the cost burden on programs dedicated to preventing displacement due to eviction.

Just look at emergency rental assistance programs funded by the Housing Levy, the average amount of assistance provided to tenant households was \$1,686, versus the average money judgment ordered against a tenant in an eviction for nonpayment of rent of \$4,078.14. This difference alone explains that preventing the eviction action from beginning is the best approach the City must take to reducing evictions.

In 2019, the State legislature made significant changes to the process of eviction for nonpayment of rent.

- First, state laws now provide **14 days' notice to pay or vacate**. Often, this becomes almost 20 days after rent becomes due.
- Second, the law now provides tenants the opportunity to **obtain judicial discretion and enter into a payment plan of up to 90 days** if nonpayment has occurred. A tenant has also had the **right to automatically reinstate** their tenancy under the State law if they pay 100% of the judgment owing within 5 days (now 5 court days).
- Third, the State law now **prohibits an eviction for non-rent charges**.
- Fourth, both State and City laws require a housing provider to **apply any payment made to rent first** and then apply any balance to non-rent items.

These four acts are reducing evictions by providing tenants more time to pay their rent before an eviction action can be started.

The Seattle Women's Commission and Housing Justice Project's Losing Home Report, published in 2018, provides the best evidence that supporting tenants before an eviction begins is the most appropriate approach to take instead of creating an unreasonable eviction moratorium.

- There were 508 evictions filed in the months of January through March and November and December 2017. The allegation that rent was unpaid occurred in 88 percent (449) of these cases. The **average rent of these cases was \$1,293.00.**
- A Writ of Restitution was entered in 340 of these filed cases and a money judgment was ordered 234 of these cases. In cases where nonpayment of rent was the allegation, a Writ of Restitution was entered in 66 percent of these cases, and a money judgment was ordered in 45 percent cases. **Where a judgment was entered for nonpayment of rent, the average judgment was \$4,078.14.**
- During the months of January February and March, and November and December, there were just **two evictions filed for non-rent related nonpayment issues.** Under State law, it is ***no longer permissible*** to evict a tenant based on non-rent charges. Additionally under State law, and at the time under City law, a landlord was required to apply any money paid to rent owing first and then to other non-rent charges owing.
- **On average, a tenant was 1.99 months behind in rent before an eviction was started** in all nonpayment of rent cases. In just 20 percent of cases where an eviction was started because of nonpayment of rent, was the amount owing less than one month's rent. More than one-quarter of these evictions were filed on behalf of a non-profit housing provider. The total amount owing in these cases where an eviction was started for one month or less was \$147,217.55.

In Seattle, the Housing Levy provides emergency rental assistance to assist tenants in remaining in their home during a financial emergency. In 2018, the [Housing levy](#) provided **on average \$1,686 in financial assistance to 553 families.** After 12 months **95 percent of these families succeeded in remaining in their housing.**

Additionally, the [United Way of King County](#) has created the Home Base program and in 2020, the program has \$3.1 million in flexible funding to assist those experiencing a financial crisis.

More broadly, the Council committee amended the ordinance to allow for an eviction to proceed for criminal behavior. Not all malicious behavior is criminal, but one tenant's behavior can have a negative effect on the entire building.

- Take Gordon G. a tenant on Capitol Hill. In a two-month period, Gordon **verbally harassed with racist language his neighbors, damaged his neighbor's apartment, poured urine in the leasing office drop box, and interfered with management's responsibilities.** Gordon was not arrested for any of these acts but management was responsible for his actions.
- Consider Brenda H., also a resident of Capitol Hill, who over the course of five months, repeatedly **violated community rules by smoking in her unit, causing at least one fire,** allowing her **dog to defecate in the building hallway** and **permitting a guest to slap another tenant** in the face. Brenda

was not arrested for these acts, but management was responsible for her actions.

We strongly support and urge a modest increase in emergency rental assistance, to provide tenants experiencing financial hardship the opportunity to recover their tenancy prior to an eviction action beginning, and ask that you consider this approach as an alternative to preventing the court from considering evictions altogether 42 percent of the year.

Sincerely,

Brett Waller, Director of Government Affairs  
Washington Multi-Family Housing Association

	Jan. 2017	Feb. 2017	Mar. 2017	Nov. 2017	Dec. 2017	Total
Total Evictions Filed	113	87	127	89	92	508
Primary Reason: Lease Violation	10	4	4	13	3	34
Primary Reason: Mutual Termination	2	2	3	4	4	15
Primary Reason: "No Cause Termination"	1	1	1	0	0	3
Primary Reason: Nonpayment of rent	97	79	118	70	85	449
Primary Reason: Non-rent charges	2	0	0	0	0	2
Other	1	1	1	2	0	5
Average Rent of Unit	\$1,199. 92	\$1,104. 70	\$1,389. 34	\$1,230. 85	\$1,226. 14	\$1,230. 19
Writ of Restitution entered	77	49	83	63	68	340
Writ of Restitution entered - Nonpayment of rent	64	44	78	50	61	297
Money Judgment entered	55	36	54	41	48	234
Money Judgment entered - Nonpayment of rent	45	31	51	31	43	201
Average Judgment	\$3,465. 50	\$3,435. 63	\$3,114. 60	\$3,680. 79	\$3,998. 99	\$3,539. 10