

RENTING IN TUMWATER: A GUIDE FOR LANDLORDS AND TENANTS

Owners of residential rental property located in the City of Tumwater must provide tenants with the *Renting in Tumwater: A Guide for Landlords and Tenants* and *Your Rights as a Tenant in Washington State: An Overview* prepared by the Northwest Justice Project to fulfill the requirements of Tumwater Municipal Code (TMC) [5.75.030](#).

The *Guide* summarizes the following City regulations:

- Unfair Housing Practices Code ([TMC 5.70](#))
- Rental Housing Code ([TMC 5.75](#))
- Rental Housing Registration Code ([TMC 5.80](#))
- International Property Maintenance Code (IPMC) ([TMC 15.18](#))

Landlords and tenants operating within the City have an independent obligation to comply with all federal, state, and local laws. Such laws may not be identical on any particular topic; therefore, all applicable laws should be consulted.

The *Guide* is for general educational and informational use only. It is not a substitute for the advice of an attorney, and the Director may not be held liable for any misstatement or misinterpretation of the law. If you have a specific legal question, you should contact an attorney.

The publication date of this *Guide* is March 31, 2023. The code provisions in [TMC 5.75](#) affect all new rental agreements and renewals offered after April 8, 2023.

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Tumwater Building and Property Maintenance Code (TMC 15.18)

The City of Tumwater has adopted the International Property Maintenance Code (IPMC). This code establishes basic quality-of-life standards that property owners must follow and occupants of buildings should expect. These standards apply to the exterior site as well as the interior of buildings.

The City uses this code to ensure that properties do not become attractive to rodents and pests, a site is safe, basic water and heat are provided to occupants, and interior spaces are not overcrowded, unhealthy, or unsafe.

The City adopted the IPMC by reference. This means that instead of putting all of the rules into the city's code, the City instead refers to the IPMC, which is a separate standalone document that is updated every three years.

If you would like to learn more about these rules, here are some helpful resources:

- [TMC 15.18](#) *International Property Maintenance Code*
- [2015 International Property Maintenance Code \(IPMC\)](#)

The International Code Council authors and updates the IPMC.

Tumwater Rental Housing Code

Rental Housing Registration (TMC 5.80)

As a condition of operation, every property owner or landlord renting or leasing a residential housing unit in the City is required to obtain and maintain a business license in accordance with [TMC 5.04](#) *Business Licenses*.¹

It is the policy of the City to assure equal opportunity to all persons to live in decent housing facilities regardless of race, creed, color, religion, ancestry, national origin, citizenship or immigration status (unless authorized by federal or state law, regulation, rule, or government contract), honorably discharged veteran or military status, gender, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, families with children status, age, marital status, sexual orientation, genetic information, or source of income.

[TMC 5.70](#) prohibits discrimination in housing by any person and establishes civil and criminal penalties for such actions.

Rental Housing (TMC 5.75)

DISTRIBUTION OF INFORMATION ([TMC 5.75.030](#))

To ensure tenants have the information needed to assist them in seeking and living in rental housing, [TMC 5.75.030](#) requires landlords to provide tenants with the following specific housing-related information at the time a prospective tenant applies to live in a dwelling unit:

- The landlord's written rental criteria
- Summaries of the Unfair Housing Practices chapter ([TMC 5.70](#)), the Rental Housing Code chapter ([TMC 5.75](#)), the state RLTA ([59.18 RCW](#)), the state Forcible Entry and Forcible and Unlawful Detainer ([59.12 RCW](#)), and fair housing laws contained in *Renting in Tumwater: A Guide for Landlords and Tenants* and *Your Rights as a Tenant in Washington State: An Overview* prepared by the Northwest Justice Project
- www.ci.tumwater.wa.us/LandlordTenant

Renting in Tumwater: A Guide for Landlords and Tenants

If a prospective tenant cannot access the internet and at their request, a landlord is required to provide the prospective tenant a paper copy of the *Guide*, which can be downloaded and printed from the City [website](#).

¹ Exemptions from the requirements of [TMC 5.80](#) are found in [TMC 5.80.30\(B\)](#).

The City Community Development Department maintains the *Guide*, which contains descriptions and links to the following:

- [TMC 5.70](#) Unfair Housing Practices
- [TMC 5.75](#) Rental Housing Code

A landlord is required to provide a copy of the *Guide* to every tenant or prospective tenant when a rental agreement is offered, whether or not the agreement is for a new or renewal agreement.

A landlord is required to provide a copy when the landlord provides notice to a tenant under [RCW 59.12.030](#) *Unlawful Detainer Defined*.

Where there is an oral rental agreement, the landlord is required to give the tenant a copy of the *Guide*, either before entering into the oral rental agreement or as soon as reasonably possible after entering into the agreement.

For existing tenants, landlords are required to distribute copies of the *Guide* to existing tenants within 30 days after the *Guide* is made available by the City.

The initial distribution of the *Guide* to tenants is required to be in printed form, and landlords are required to obtain the tenant's signature documenting the tenant's receipt of such information. If a tenant refuses to provide a signature documenting the tenant's receipt of the *Guide*, the landlord may draft a declaration stating when and where the landlord provided the tenant with the required information.

After the initial distribution of the *Guide* to tenants, a landlord is required to provide existing tenants with an updated Guide by the City on an annual basis and when the City updates its housing regulations, which may be in electronic form unless a tenant requests a printed Guide.

RENTAL PROPERTY NOTICING REQUIREMENTS

[TMC 5.75.030](#) requires landlords to provide tenants with specific notices as described below.

Notice of Recurring Fees ([TMC 5.75.050](#))

Recurring, non-refundable fees are required to be in the written rental agreement and clearly specify that the fee is recurring and non-refundable.

If the landlord fails to provide a written rental agreement, the landlord is liable to the tenant for any fees collected as recurring fees and non-refundable. If

the agreement fails to specify that the fee is non-refundable, the fee must be treated as a refundable deposit.

Notices to Increase Rent ([TMC 5.75.070](#))

Any notice of a rent increase must be served in accordance with [RCW 59.12.040](#) and a landlord is required to provide written notice that follows the notice requirements below, unless the fixed lease agreement includes agreed-upon rent increases during the term of the tenancy or agreement:

Notices for Rent Increases of Five Percent or Less

Written notice is required a minimum of 60 days prior to whenever the periodic or monthly housing costs will increase by five percent or less.

Notices for Rent Increases of More Than Five Percent, but Less than Ten Percent

Written notice is required a minimum of 120 days prior to whenever the periodic or monthly housing costs will increase by more than five percent but less than ten percent.

Notices for Rent Increases of More than Ten Percent

Written notice is required a minimum of 180 days prior to whenever the periodic or monthly housing costs to be charged a tenant will increase by more than ten percent.

Rent Increases for Subsidized Tenancies

As required by [RCW 59.18.140](#), if the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, written notice is required a minimum of 30 days prior to an increase for rent to each affected tenant.

Notices to Vacate

The notice requirements provided below apply when premises are rented with monthly or other periodic tenancy.

Notices to Tenant When Tenant Displaced

When a tenant is to be displaced because of demolition, substantial rehabilitation, or change of use as defined in [TMC 5.75.010](#), a landlord may only terminate the tenancy by providing written notice to a

tenant at least 120 days preceding the end of the month or period of tenancy. The landlord is required to provide a copy of this *Guide* at the same time.

Notices to Tenant for No Cause Termination

Unless otherwise provided under federal or state law applicable to low-income or affordable housing programs or when a tenant is displaced, a landlord may only terminate a tenancy for no cause by providing the tenant written notice at least 90 days preceding the end of the month or period of tenancy.

Notices that are exempt from the 90-day requirement include three-day notices to pay or vacate, three-day notices for waste or nuisance, or ten-day notices to comply with the terms of the rental agreement or vacate.

General Notice to Vacate Requirements

- Notices to Vacate are required to comply with [RCW 59.12.040](#) and [RCW 59.18.650](#).
- A Notice to Vacate is required to list the name of the tenant and the dwelling unit number.
- Proof of any service for Notices to Vacate must be made by the affidavit or declaration of the person providing the notice. When a copy of the notice is sent through the mail, service is deemed complete when such copy is deposited in the United States mail.

When Notices to Vacate Do Not Apply

Notices to Vacate do not apply when a landlord:

- Terminates for nonpayment of rent or for other cause allowed by the state *Residential Landlord-Tenant Act*, [RCW 59.18](#), or the *Forcible Entry and Forcible and Unlawful Detainer Act*, [RCW 59.12](#); or
- Is required to repair the dwelling unit due to a violation of the “International Property Maintenance Code,” [TMC 15.18](#), or other City regulations or if it is found to be either derelict or unfit.

Compliance and Enforcement

Any new or renewed residential rental agreement in the City entered into after April 8, 2023 is required to include a provision requiring compliance with the provisions outlined in [TMC 5.75 Rental Housing](#).

A landlord is prohibited from engaging in reprisals or retaliatory actions pursuant to [RCW 59.18.240](#) and [RCW 59.18.250](#), including reprisals or retaliatory actions against a tenant’s good faith and their lawful rights to organize.

Pursuant to provisions of the state ***Residential Landlord-Tenant Act*** ([RCW 59.18](#)), landlords may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction ([RCW 59.18.380](#)).

In addition to any other legal defense a tenant may have, it is an additional affirmative defense to an unlawful detainer action that a landlord failed to give a 120-day or 90-day notice to terminate to a monthly or periodic tenant as provided in [TMC 5.75.090](#), with service conforming with [RCW 59.12.040](#), prior to the end of such month or period, unless a different for cause notice period is specifically authorized by law.

Any rental agreement provision which waives or purports to waive any right, benefit, or entitlement created by [TMC 5.75](#) is deemed void and of no lawful force or effect.

Rebuttable Presumption

If a landlord provides a 90-day notice to vacate under [TMC 5.75.090](#)(C), and within 90 days after the tenant vacates the dwelling unit, the landlord commences activity to demolish or substantially rehabilitate or change the use of the dwelling unit, the City will presume that the landlord intended to avoid the 120-day notice to terminate requirement in [TMC 5.75.090](#)(B).

To overcome the presumption in [TMC 5.75.090](#)(B)(1), the landlord must demonstrate by a preponderance of evidence that the termination was either due to proper cause or, in the case of substantial rehabilitation, that the tenant left the dwelling uninhabitable such that substantial rehabilitation was necessary to rent the dwelling.

Violations

If a violation of [TMC 5.75](#) occurs, contact the City’s Code Compliance team at (360) 754-4200.

Washington State Residential Landlord-Tenant Act (RCW 59.18)

Landlords and tenants have legal responsibilities to each other under state law. The Washington State Residential Landlord-Tenant Act ([RCW 59.18](#), RLTA) outlines the rights and responsibilities for landlords and tenants.

Your Rights as a Tenant in Washington State: An Overview prepared by the Northwest Justice Project for the Washington State Attorney General's office is designed to help landlords and tenants gain an understanding of the state rules and regulations affecting housing.

The most current copy of the *Overview* may be found at WashingtonLawHelp.org.

Washington State Forcible Entry and Forcible and Unlawful Detainer (59.12 RCW)

The Washington State Forcible Entry and Forcible and Unlawful Detainer ([RCW 59.12](#)) details the legal process for a landlord to evict a tenant and the steps that need to be followed.

Your Rights as a Tenant in Washington State: An Overview prepared by the Northwest Justice Project for the Washington State Attorney General's office contains a summary of the eviction process under [RCW 59.12](#) in Part 5 *Evictions*.

The most current copy of the *Overview* may be found at WashingtonLawHelp.org.