

**The  
Washington  
State  
Landlord  
Guide**

## ***Foreword***

If you have an interest in becoming wealthy with Real Estate rentals you're reading the right book. In fact, I wrote this book just for you. I am going to share with you my 40+ years of landlord experience and put you on track toward wealth and financial independence. On track to wealth only if you are tough, determined, and willing to invest in your education. You will need to learn rental procedures, the Landlord Tenant Laws and above all, become a good business person. If you don't you may be repeatedly abused by street savvy tenants that make a career of ripping off landlords and like me, you may become frustrated with rentals and wish you would have kept taking piano lessons.



Many new landlords work very hard getting a rental ready and rent to the first person that comes along with a quick smile and a nice story. I did, and I paid the price. It took me years to figure out what I was doing wrong. I would rent it, they would trash it. I would rent it, they would trash it. I got tired of it. I almost got out of the business. This book will help you avoid that problem and many others. Looking back, I have come to the conclusion to succeed and build wealth with rentals you must learn good landlord skills. This book will give you the skills. Concentrate on learning them, they are the key to wealth.

You will find that I have given considerable space to Fair Housing, Human Rights, and the Landlord Tenant Law. Some readers will quit half way through chapter one, never to pick the book up again. Too complex, not worth it. Some of the information in this book is intimidating and slightly overwhelming. Remember, I told you it was going to be tough, and it is. However, if you invest yourself in learning it will become "more clear". Not perfectly clear, but understandable and useable. Attorneys don't even agree on what the Landlord Tenant Law says. With a little education, and a little experience you will become very good at working with the parts of the law that you need to use. Embrace it, strap it on. They have words for people that will do that...successful, wealthy, bright, to name a few.

Wealth with rentals is not going to be easy, but it's going to be worth it!

You'll like chapter 8, it's my experiences, successes, and errors. I enjoyed writing it. Hopefully it will be valuable to you sometime in the future.

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# How to use this Book

The book is designed to give you basic information and concepts for becoming a successful landlord. Read it through, but don't try to memorize the landlord tenant laws. Learn how the laws are organized and how to find the right law when you need it. Become familiar with the book and be sure you understand the basic concepts such as the duties of a landlord, and fair housing. Use the book to research and prepare for landlord events. For example, if you have a tenant that has not paid the rent you will want to read chapter 3, Notices and Evictions.

This book is designed to be revised and updated as laws and procedures change. Revisions, updates, and forms can be downloaded at <http://www.researchinc.net>. Free for the first 90 days after registering the book then for a small annual fee.

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## Chapter

## 1

# Getting Great Tenants

*Your success as a landlord and the wealth that you accumulate will be determined by your ability to attract and keep great tenants.*

**T**enants are customers and they have choices. Great tenants can rent almost anywhere they want. Success in landlording is attracting and keeping great tenants.

Bad tenants can drive you nuts and cause you to lose thousands of dollars...and then they sue you. They will make you want to leave the business. You must develop skills to avoid them.

Great tenants are those who pay the rent on time, are neat and clean, and are generally reasonable. As any landlord who has experienced tenant problems can tell you, dealing with a problem tenant is a real hassle. Even though rental properties are an excellent investment, many investors will pass them up because of a bad experience with a tenant or because of the horror stories they have heard about problem tenants. Developing the skills of attracting, qualifying, and keeping great tenants will determine your success.

Don't feel you have to rent to the first person that has the move-in money and wants your rental. It is often difficult to remain patient because a vacancy can be trying, particularly if you must worry about making a mortgage payment. It helps to think of your property as a valuable asset that needs protecting. Usually it's better to let the property sit vacant than to rent it to a problem tenant. Remember, if you choose undesirable tenants, you will be stuck with them until they move out or you evict them. This chapter will give you some important guidelines and techniques for evaluating a prospective tenant.

**Don't rent to the first person that has the money.**

## Be Selective But Don't Discriminate

Be as selective as you possibly can in your choice of tenants, but be very, very careful not to discriminate. What is discrimination as it pertains to the fair housing laws? Treating members of protected classes differently from the way you treat others who are not members of those protected classes.

### Fair Housing Laws

There are fair housing laws on the federal, state, and some county and city levels which protect certain classes and categories of people. These laws prohibit you from rejecting a prospective tenant or treating them differently once they move in solely on the basis of their protected class status. The following is a list of protected classes and enforcement agencies. Many of the larger counties and cities in Washington have their own fair housing laws in addition to the Federal Fair Housing Law. You will note that King County has three more protected classes than the State of Washington. In addition to the eleven protected classes listed under King County, the City of Seattle has added political ideology, ancestry, and gender identity. Check with the Human Rights Department or the Department of Housing for the particular county or city in which your rental is located to determine if there are additional fair housing laws.

#### FAIR HOUSING: LAWS AND ENFORCEMENT AGENCIES

U.S. Dept. of Housing & Urban Development	WA State Human Rights Commission	King County Office of Civil Rights	Seattle Office for Civil Rights	Tacoma Human Rights & Human Services Dept.
Fair Housing 909 First Avenue Suite 205 Seattle, WA 98104-1000	711 So. Capitol Way Suite 402 Olympia, WA 98504-2490	Yesler Building 400 Yesler Way Room 260 Seattle, WA 98104-2683	700 Third Avenue Suite 250 Seattle, WA 98104-1849	747 Market Street Room 836 Tacoma, WA 98402-3779
206-220-5170 1-800-877-0246 TTY 206-220-5185 Fax 206-220-5447 <a href="#">HUD Web site</a>	360-753-6770 1-800-233-3247 TTY 800-300-7525 Fax 360-586-2282 <a href="#">WSHRC Web site</a>	206-296-7592 TTY 206-296-7596 Fax 206-296-4329 <a href="#">KCOCR Web site</a>	206-684-4500 TTY 206-684-4503 Fax 206-684-0332 <a href="#">SOCR Web site</a>	253-591-5151 TTY 253-591-5153 Fax 253-591-5121 <a href="#">THRHS Web site</a>
<b>Jurisdiction:</b> United States	<b>Jurisdiction:</b> State of Washington	<b>Jurisdiction:</b> Unincorporated King County	<b>Jurisdiction:</b> City Limits of Seattle	<b>Jurisdiction:</b> City of Tacoma
<b>Protected Classes:</b> Race Color National Origin Religion Sex Disability Familial Status Retaliation	<b>Protected Classes:</b> Race Color National Origin Creed Sex Disability Familial Status Retaliation Marital Status	<b>Protected Classes:</b> Race Color National Origin Religion Sex Disability Parental Status Retaliation Marital Status Age Sexual Orientation Section 8 Voucher	<b>Protected Classes:</b> Race Color National Origin Religion/Creed Sex Disability Parental Status Retaliation Marital Status Age Ancestry Sexual Orientation Gender Identity Section 8 Voucher Political Ideology	<b>Protected Classes:</b> Race Color National Origin Religion Sex Disability Familial Status Retaliation Marital Status Age Ancestry Sexual Orientation Gender Identity
File complaints within 1 year	File complaints within 1 year	File complaints within 180 days	File complaints within 180 days	File complaints within 1 year

*This table was retrieved from the King County web site <http://www.metrokc.gov/dias/ocre/FHlaws.htm> January 2004*

These organizations advocate for fair housing, provide training, education and outreach:

**Fair Housing Center of South Puget Sound**

1517 S. Fawcett, Suite 250

Tacoma, WA 98402

253-274-9523 V/TTY

888-766-8800 toll-free

E-mail: [fhcsp@ix.netcom.com](mailto:fhcsp@ix.netcom.com)

**Northwest Fair Housing Alliance**

35 West Main Avenue, Suite 250

Spokane, WA 99201

509-325-2665

1-800-200-FAIR (3247)

E-mail: [nwfairhouse@nwadv.com](mailto:nwfairhouse@nwadv.com)

**NOTE:** **City of Bellevue** anti discrimination laws include Section 8. To file a complaint, contact Code Compliance, Department of Planning & Community Development, 301 116th Avenue SE, Suite 405, Bellevue, WA 98009, 425-452-7818.

An increasing number of successful discrimination complaints and lawsuits have been brought against landlords. Many of the judgments which have been awarded are quite high. Nationwide, several judgments against landlords have exceeded \$100,000. In Washington State, a Bellingham couple was found liable for discrimination by HUD for refusing to rent a three bedroom home, because of size, to a family of two adults and three children. The total judgment award (including fines and damages) was \$32,000. Complaints are easy for tenants to initiate. There are a number of tenant advocacy groups that offer free legal services to tenants. On the federal and local levels there are investigators (testers) who pose as prospective tenants who visit properties to document rental procedures. You may be saying to yourself; that is all well and good, but I don't discriminate. Some landlords charged with discrimination are unaware they have discriminated. Following are examples that might be construed as discriminatory:

### ***Examples that Might be Construed as Discriminatory***

- Have you ever placed a rental ad that used the words: "mature persons", "couple preferred", "no students", "single person only", "adult apartments"?
- Have you ever refused to rent a three bedroom unit to a family of five?
- Have you ever refused to rent to a family based on the fact that children of opposite sexes would be sharing a bedroom?
- Have you ever refused to rent units on upper floors or close to swimming pools to families with children?
- Have you ever refused to rent to a disabled person because he wanted to make alterations (at his expense) to the property?
- Have you ever placed limits on the age and/or number of children in a rental unit?
- Have you ever not given an application to someone who wanted to rent your property?

### ***Treating people differently can be discrimination.***

Someone calls about your rental ad and you take to time to expand on all the details of the unit, and in fact encourage and motivate the caller to rent the unit. Later, with

#### [HUD Awards \\$17 Million In Grants](#)

**HUD has awarded more than \$17 million in grants to fair housing organizations in 96 cities under its Fair Housing Initiatives Program (FHIP). Nationwide, this funding will support 121 projects designed to combat housing discrimination.**

Announcement of funding for grants for fair housing investigations. Retrieved from HUD web site February 2004

another caller you notice the caller's accent and your conversation is short and abrupt. If you treated the two callers differently based on their race, parental status, or protected class...you have discriminated. To protect against this plan to treat all callers/applicants the same, maybe have a written script that you or other persons can follow when talking about the rental. Also, when talking avoid using religious or ethnic references such as close to the Catholic

Church, or just past the little Greek Deli. Some landlords may think they are being helpful if they show families with children only rental units on the lower floors or close to other units with children. That's called "Steering", which is an attempt to guide an

applicant where you think they should live based on race, color, religion, national origin, sex, age, familial status, disability, handicap, or any other protected class. Steering is illegal and a violation of the Fair Housing Laws. Be very careful not to make suggestions or comments that could be misinterpreted as steering. There are “testers” (funded by HUD and trained by fair housing organizations, see *HUD Awards 17 Million in Grants* previous) calling on rental ads to check that your rental practices are equitable. Treating people equally goes beyond just the rental call. It continues through all interactions with the tenant. It must continue even in the way you respond to request for repairs. Treating people equally must be a way of doing business, a basic premise for you in your success as a landlord.

## Occupancy Standards

Landlords need occupancy standards to keep housing from becoming overcrowded and to protect their investment. But in some cases these standards have been used to exclude families with children or to discriminate against protected classes, something the Federal Fair Housing Act forbids.



According to HUD, (The U.S. Dept. of Housing and Urban Development) landlords can set their own "reasonable" occupancy standards. The question of what is a "reasonable" occupancy standard has been a troubling one for landlords for several years. The number of people willing to share a home is often economic but may also be cultural.

HUD announced that it "will not pursue challenges to occupancy standards that are as broad as those provided by the Building Officials and Code Administrators (BOCA) guidelines." According to HUD, compliance with the BOCA code occupancy standard will provide a safe harbor for property owners and managers. That code provides occupancy guidance based on the square footage of a housing unit and various portions of such units rather than on such generalities as bedroom configuration. The BOCA Code provisions outline, "Every dwelling unit must contain a minimum gross floor area not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant." The code, therefore, in certain situations allows for non-traditional sleeping areas such, as living and dining rooms.

In December 1998, HUD released a statement of policy of the factors it will use when evaluating a housing provider's occupancy policies to determine whether discriminatory conduct is occurring against families with children. This is a policy ....not a rule or law. HUD has recommended a guideline of two persons per bedroom as a safe policy for providers. For policies which are more restrictive, HUD will take into account such factors as the size of the bedrooms and dwelling unit, capacity of sewer, septic and other building systems, and any city or state occupancy requirements governing the property to determine if discrimination against families with children is occurring.

Many municipalities have adopted the BOCA Code provisions based on the minimum gross floor area. An occupancy policy which limits the number of people or occupants per unit is more likely to be considered reasonable than one which limits the number of children. In addition, any discriminatory statements or rules against children or families, as well as other steps to discourage families with children from living in the housing, will be reviewed.

If there are local building/occupancy codes for your area you will be expected to comply with those codes. HUD will defer to them. Local building and occupancy codes take precedent. For example, following are the building/occupancy codes for King County, City of Seattle, and Tacoma and retrieved from the King County Office of Civil Rights web site at <http://www.metrokc.gov/dias/ocre/occupancy.htm> on 11/10/2004.

### **KING COUNTY OCCUPANCY CODE**

King County Ordinance 12560 adopts the Uniform Housing Code, 1994 Edition, which states that dwelling units must have not less than 120 square feet of floor area, sleeping areas must have a minimum of 70 square feet, with an additional 50 square feet for each occupant in excess of two. Efficiency apartments (studios) must have a living room that is at least 220 square feet, and an additional 100 square feet for each occupant in excess of two. This code is enforced by the King Department of Development and Environmental Services and applies to housing in unincorporated King County.

### **CITY OF SEATTLE OCCUPANCY CODE**

Seattle's Housing and Building Maintenance Code, Chapter 22.206, Minimum Space and Occupancy Standards, states:

22.206.020 Floor area.

- A. Every dwelling unit shall have at least one (1) habitable room which shall have not less than one hundred twenty (120) square feet of floor area.
- B. No habitable room except a kitchen may be less than seven feet (7') in any floor dimension.
- C. Every room used for sleeping purposes, including an SRO unit, shall have not less than seventy (70) square feet of floor area. Every room, except an SRO unit, which is used for both cooking and living or both living and sleeping quarters shall have a floor area of not less than one hundred thirty (130) square feet if used or intended to be used by only one (1) occupant, or of not less than one hundred fifty (150) square feet if used or intended to be used by two (2) occupants. Where more than two (2) persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).
- D. In a dormitory, minimum floor area shall be sixty (60) square feet per single or double bunk, and aisles not less than three feet (3') in width shall be provided between the sides of bunks and from every bunk to an exit. The requirements of this subparagraph shall not apply to SRO units.
- E. The required floor area square footage of all dwelling units, dormitories, and SRO units shall not include built-in equipment which extends from the floor to thirty inches (30") above the floor, including but not limited to wardrobes, cabinets, and kitchen sinks or appliances.

**CITY OF TACOMA OCCUPANCY CODE**

Tacoma's Minimum Building and Structures Code, Chapter 2.01, 2.01.070 Minimum building requirements, states:

V. Overcrowding, Residential Buildings.

For single family dwellings and duplexes, the maximum number of residents of each dwelling unit shall not exceed the gross area divided by 300, rounded to the nearest whole number. Bedrooms will accommodate two persons with a minimum size of 70 square feet, with no dimension being less than 7 feet. An additional 50 square feet shall be provided for each person in excess of two.

For multiple family dwellings buildings with three or more units, the maximum number of residents of each dwelling unit shall not exceed the gross area divided by 200, rounded to the nearest whole number. Bedrooms will accommodate two persons with a minimum size of 70 square feet, with no dimension being less than 7 feet. An additional 50 square feet shall be provided for each person in excess of two. Children less than one year of age shall not be considered in applying the above provisions.

**People with Disabilities**



The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities reasonable accommodations. For example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog (service animal) in the residence. Service animals (also known as assistance animals) are not considered to be pets. You cannot charge a pet deposit. Dogs are the most common service animal but it could be other species. Service animals are defined as “any animal that is individually trained to do work or perform tasks for the benefit of a person with a disability”. The Americans with Disabilities Act (ADA) consider animals that are emotional support or companions to be a type of service animal. If you have a request from a tenant for an accommodation of a service animal, federal law requires owners and managers to consider the tenant’s claim and grant the request if it is true and reasonable. One method of determining if the request is reasonable is to get verification from the tenant’s health care provider, doctor, therapist, or social worker. To avoid complaints of favoritism you should have a fair, consistent verification policy/procedure you use on all requests. Ignoring the request may result in a fair housing/ADA complaint. Determining how reasonable a request is can be difficult. One option would be to ask the local fair housing authority. I suggest you get legal advice from an attorney familiar with these types of requests. Maybe the rental owners association in your area can recommend one. (see rental owner associations directory in chapter 6)

The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces (generally, the landlord is not required to pay for the changes). The