

COVID-19 and Rent Negotiation

“I strongly encourage landlords and tenants to avail themselves of the services offered at existing dispute resolution centers to come to agreement on payment and repayment solutions.”

- **Governor Jay Inslee, Proclamation on Evictions and Related Housing Practices**

If you or your tenant are behind in rent payments, and are unsure whether payments can be made in the near future, there are two processes to get help, both equally important. One is to go to an assistance agency for rent assistance. We have a link to these agencies below. You can and should also begin negotiating toward a good faith rent repayment plan with your landlord or tenant. Both are equally important. Below is information for both landlords and tenants on why a documented rent repayment plan is imperative, and resources for getting the help you need regarding rent assistance, knowledge of the law, and rent negotiation protocol.

Bellevue Conflict Resolution Center (BCRC), and other dispute resolution centers across the state, have been charged with helping landlords and tenants facing rent arrears due to COVID-19. In addition to the Governor’s proclamation and accompanying orders, the State Attorney General has created a process for our center(s) to help negotiate rent repayment plans. Landlords and tenants can now work with BCRC conciliators to establish hardship due to Covid-19, and negotiate in good faith towards a repayment/payment plan which helps both landlords and tenants after the Eviction Moratorium has ended.

There is a lot of confusion right now what the rules are for landlords and tenants, which change due to the unprecedented and shifting nature of this pandemic. No one knows whether Washington’s eviction moratorium will extend passed March 31, and no one knows what might happen at the federal level. Here then, is a snapshot of current rules in Washington as of January 21, 2021.

For Landlords:

- Assume that you can’t evict a tenant unless the situation meets one of these exceptions:
 - o The tenant’s behavior is causing an immediate safety risk (having COVID is not a qualifying risk).
 - o You plan to sell the property or live in it, in which case you need to give the tenant 60 days notice to vacate.
- You don’t have to renew a lease that has expired, but you do have to treat the tenant as having a month-to-month lease.

- You can't charge late fees, raise rents or deposits, or make threats to do any of those things.
- **You CAN talk to your tenant about rent repayment, offer information and resources, and try to come up with a repayment plan that takes their circumstances into account.**

For Tenants:

- Assume that any unpaid rent is a debt that you will have to pay. Assume that a good relationship with your landlord will help you stay in your home for longer.
- You must continue to pay rent if your income has not been reduced by COVID, or if you otherwise have the means to pay. It is ok to make partial payments, if your landlord agrees.
- You are responsible for following all of the other rules in your lease agreement.
- You CAN talk to your landlord about rent repayment, apply for rental assistance dollars and look for other resources, and try to come up with a repayment plan that takes your circumstances into account.
- It is important that you respond to your landlord's requests to negotiate a payment plan. Failure to respond will allow your landlord to file for eviction after the moratorium has ended.
- You can initiate repayment plan negotiations with your landlord on your own, using the Unpaid Rent Negotiation Worksheet which can be found below, and/or by calling the BCRC to help you negotiate with your landlord. The Unpaid Rent Repayment Plan Worksheet is what the BCRC uses to document a negotiation process and plan between landlord and tenant. See links under legal information below.
- Even if you cannot pay anything in back or future rent now, it is still important to enter into the negotiation process with your landlord. Even if you and your landlord do not agree on a plan, simply entering into a negotiation in good faith, and documenting COVID-19 caused hardship, may keep your landlord from being able to file a complaint against you in court, causing a judgment which impacts credit, or eviction, both of which can harm your future ability to rent.
- Overall, it is best to stay in touch with your landlord, either on your own or through our services.

There is a LOT of other legal information out there. If you have a specific legal question, please speak to an attorney, who can give you advice that fits your exact situation. If you just want to read more about the current rules for landlords and tenants, here are two great resources:

- <https://www.washingtonlawhelp.org/issues/health/coronavirus-covid-19>

- <https://www.atg.wa.gov/landlord-tenant>
- https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/Office_Initiatives/Unpaid%20Rent%20Repayment%20Plan%20Worksheet_January2021.pdf

If you are looking for help paying for rent, and aren't sure where to go, the City of Bellevue offers a COVID Resource Navigator program, to help you figure out which programs will best fit your needs:

- 425-452-2800
- minich@bellevuewa.gov

The City of Bellevue also maintains a current list of all the human service agencies in Bellevue, and the types of help they provide:

- https://bellevuewa.gov/sites/default/files/media/pdf_document/2020/human-services-agencies-funded-by-bellevue.pdf

If you want to start a conversation about how to deal with unpaid rent, and aren't sure how to get started, give BCRC a call. We will help guide you through the Attorney General's Rent Repayment Plan worksheet. When completed, this worksheet acts as a formal agreement between landlord and tenant about what debt is owed, what debt is forgiven, what payment is affordable, and how any rental assistance dollars are being applied. We can help you come up with partial agreements if you can't agree on the whole amount, and agreements about how future rent will be paid. We are neutral, helping both landlord and tenant explore their options and pass along offers. Our service is both free and confidential, and we provide interpreters as needed. We can be reached at BCRC@bellevuewa.gov, or by calling 425-452-4091.