

HB 1441 - H AMD 344

By Representative Caldier

1 On page 2, line 19, after "pandemic" insert "or "COVID-19"

2

3 On page 2, after line 29, insert the following:

4 "(4) The provisions of this section only apply to a prospective
5 tenant who has completed an affidavit of COVID-19 hardship as
6 described in section 2 of this act.

7

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18 RCW
9 to read as follows:

10 (1)(a) In order to receive protections under section 1 of this
11 act, a prospective tenant must first complete and return to the
12 landlord an affidavit of COVID-19 hardship explaining why their rent
13 was unpaid during an eviction moratorium. The landlord must provide
14 the affidavit form to the prospective tenant as described in
15 subsection (5) of this section.

16 (b) The prospective tenant must return the affidavit of COVID-19
17 hardship to the landlord in person, by first-class mail, or
18 electronically by sending a copy or photograph of the signed
19 affidavit and any required documentation to the landlord.

20 (2) COVID-19 hardship exists when a prospective tenant has
21 experienced at least one of the following hardships since February
22 29, 2020:

23 (a) Loss of income caused by COVID-19 by more than 50 percent
24 year-over-year;

25 (b) Extraordinary out-of-pocket expenses directly related to
26 performing essential work during COVID-19;

27

1 (c) Extraordinary expenses directly related to health impacts of
2 COVID-19;

3 (d) New care responsibilities for a child or an elderly,
4 disabled, or sick family member directly related to COVID-19 that
5 limit the prospective tenant's ability to earn income;

6 (e) Extraordinary costs for child care or attending to an
7 elderly, disabled, or sick family member directly related to COVID-19.

8 (3) A prospective tenant whose household income exceeds 130
9 percent of the area median income for the county in which the
10 prospective tenant resided when his or her rent became past due may
11 be required to provide additional documentation supporting the
12 prospective tenant's claim of financial distress with his or her
13 affidavit of COVID-19 hardship.

14 (4) Beginning August 31, 2021, any prospective tenant completing
15 the affidavit of COVID-19 hardship must provide documented proof of
16 hardship.

17 (5) The affidavit of COVID hardship provided by the landlord to
18 a prospective tenant must be in substantially the following form:

19 Date: _____

20 Prospective Tenant Name(s): _____

21 Rental Property Address: _____

22 Landlord Name: _____

23 Landlord Address: _____

24

25 AFFIDAVIT OF COVID-19 HARDSHIP AFFECTING PAYMENT OF RENT

26 The prospective tenant must provide this signed document to the
27 landlord.

28 'I attest that I have experienced at least one of the following
29 hardships since February 29, 2020 and that the following are true
30 and correct:

31 (a) I was previously unable to pay my regular monthly rent for
32 one of the following reasons:

33

34

1 (i) Loss of income caused by the COVID-19 pandemic by more than
2 50 percent year-over-year.

3 (ii) Extraordinary out-of-pocket expenses directly related to
4 performing essential work during the COVID-19 pandemic.

5 (iii) Extraordinary expenses directly related to health impacts
6 of the COVID-19 pandemic.

7 (iv) Child care responsibilities or responsibilities to care for
8 an elderly, disabled, or sick family member directly related to the
9 COVID-19 pandemic that limit my ability to earn income.

10 (v) Extraordinary costs for child care or attending to an
11 elderly, disabled, or sick family member directly related to the
12 COVID-19 pandemic.

13 (b) My income is less than 130 percent of the area median income
14 for the county where I resided at the time my rent became past due.
15 (If the landlord alleges you earn more than 130 percent of area
16 median income for the county where the rental property is located,
17 you must provide documentation supporting your claim of COVID-19
18 hardship.)

19 (c) During the time I was unable to pay my rent, I made a good
20 faith effort to obtain available government assistance for rent or
21 housing.

22 (d) I made a good faith effort to make timely partial rent
23 payments that were as close to the full payment as my circumstances
24 permitted, taking into account other nondiscretionary expenses.

25 (e) If unable to rent or lease a property, I will likely become
26 homeless, need to move into a homeless shelter, or need to move into
27 a new residence shared by other people who live in close quarters
28 because I have no other available housing options.

29 (f) I understand that I must still pay rent or make a housing
30 payment, and comply with other obligations that I may have under a
31 future tenancy, lease agreement, or similar contract. I further
32 understand that, beginning August 31, 2021, any prospective tenant
33 completing this affidavit of COVID-19 hardship must provide
34 documented proof of hardship.'

1 Signature of Prospective Tenant: _____

2
3 Date: _____"

4 Renumber the remaining sections consecutively and correct any
5 internal references accordingly.

6

7

8 Correct the title.

EFFECT: Applies the protections in the act to prospective tenants who provide the landlord with an affidavit of COVID-19 hardship. Provides the form and content for an affidavit of COVID-19 hardship. Includes "COVID-19" in the definition describing the COVID-19 pandemic.

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