

# Living in my vehicle: What are my rights?

**Author**

Northwest Justice Project

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Learn about your rights if you live in your car, truck, RV, or other vehicle. You might need to make a Homestead Act claim to get your vehicle-home back if it was towed. (Forms and instructions)

## 1. Common questions

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### **I live in my vehicle. I use it as my home. Is that illegal?**

People live in all types of vehicles (<https://vehicleresidency.org/faqs-about-vehicle-residency/>) including cars, trucks, RVs, campers, vans, boats, trailers, and buses. In general, it isn't illegal to live in your vehicle in Washington. You might have to be able to prove that your vehicle is registered and operable if you have it on public streets.

Even though it isn't illegal to live in your vehicle, some areas, cities, counties, towns, or municipalities might have laws or bans related to living in your vehicle.

Depending on where you are, these activities **could be restricted**:

- How long you can be parked in certain places
- Where you can park
- Whether you can sleep in your vehicle
- Whether you can cook in, on, or next to your vehicle
- Whether you can use your vehicle for living quarters or other activities in certain areas
- How many days in a row you can park in a certain place

Sometimes a sign will be posted that will tell you the parking rules for that place. **But not always.** Try to learn about the parking rules for the areas that you stay in. It may be best to plan to move your vehicle **as often as every 3 days** and to park in different spots on a rotation. Parking in one place for a prolonged period of time is a common way to get ticketed or towed.

## **I live in my vehicle. Do I have any rights?**

**Yes.** You might have some rights related to living in your vehicle.

**People who live in their vehicle usually have homestead rights.** This means you have a right to claim your vehicle as your primary residence or your "homestead". If a place is your homestead, you might have protections

related to it whether it's a dwelling **or** a vehicle. Homestead rights are important if you live in your vehicle because they can protect your vehicle-home from being kept to pay for the impound fees.

**If you live in your vehicle, you can use your Homestead Act rights to ask to get your vehicle back.** The Homestead Act is a state law that says that your home can't be held or sold to pay off your debts. A state Supreme Court case, *City of Seattle vs. Long*, says that the Homestead Act **includes vehicles that are used as homes**. This means it's illegal for a tow company **to sell or auction** your vehicle-home from the impound lot to cover the impound and storage fees.

## Can I claim a homestead exemption for my vehicle if I live in it?

**Yes.** In Washington, a vehicle that you live in as your primary home qualifies for protection from debt collectors. This protection is called a **homestead exemption**. The value of your vehicle up to \$125,000 is protected. Use an [Affidavit of Occupancy](#) to show that your vehicle is your homestead. This form is important. Any time you want to claim your homestead rights, **try to provide this form**.

Learn more about other issues related to living in your vehicle from the [National Vehicle Residency Collective \(https://vehicleresidency.org/faqs-about-vehicle-residency/\)](https://vehicleresidency.org/faqs-about-vehicle-residency/). They have a [list about safe places to park \(https://vehicleresidency.org/resources/safe-parking-programs/\)](https://vehicleresidency.org/resources/safe-parking-programs/) that includes

Washington state information.

**Even if your vehicle is your homestead, you still need to keep it titled and registered to be street legal.** This is very important if you plan on driving it or living in it in a public area. It can be complicated to register old vehicles, vehicles with lost title, salvaged vehicles, remade or homebuilt campers, trailers without a manufacture date listed, and other vehicles that people might live in. You might need to get an order to quiet title or use another alternative method to get title.

## **I live in my vehicle in an encampment. Is there anything I should know about vehicles in encampments?**

Many people live in their vehicle in encampments.

A “sweep” is when government officials (or agencies hired by the government) forcibly remove an encampment of unhoused people. During a sweep, the officials may remove tents, bedding, belongings, other items and structures from the encampment. This **can include** towing your vehicle if you live in your vehicle in an encampment.

During a sweep, government officials may do any of these:

- Require you to move your living site.
- Cite you with an infraction or ticket for unauthorized camping.
- Arrest you for unauthorized camping.

Officials **must give notice** to the encampment residents before a sweep. Usually, notices provide **3 or more days to move out** of the encampment. But technically, there is no specific type of notice or specific time frame required — just **some kind** of notice before the sweep.

Try to move your vehicle out of the encampment as soon as you get notice that a sweep will happen. If your vehicle gets towed during a sweep, you can try to ask the court to release it back to you based on your homestead rights.

If you have a disability, **you can ask for a reasonable accommodation for more time to move**, or for other accommodations you may need because of your disability.

## Do I have privacy rights if my vehicle is my home?

Even if your vehicle **is** your home, you might have **less** privacy rights in your vehicle than you would have if you lived in a dwelling like a house. Law enforcement might be able to search your vehicle-home without a warrant if they have probable cause (unless it is parked in a private driveway or on private property).

## I live in my vehicle. Are any social services resources available to me?

A few cities and counties may have “safe lot” programs. These let vehicle residents park safely in certain areas. You don’t have to worry about being towed if you are parked in these safe lots. There aren’t many of these programs. They vary by city. The most accurate place to find information

about these kind of safe lots is on the tab for Washington state on the [list about safe places to park \(https://vehicleresidency.org/resources/safe-parking-programs/\)](#) from the [National Vehicle Residency Collective \(https://vehicleresidency.org/faqs-about-vehicle-residency/\)](#).

## **How do I make sure my vehicle-home isn't labeled as a junk vehicle?**

Junk vehicles usually aren't operable. To be identified as a junk vehicle, your vehicle must have at least 3 of these problems:

- It is at least 3 years old or older
- It has extensive damage like broken windshields, broken windows, missing tires, missing engine parts and other crucial parts that would make it impossible or unsafe to drive.
- It appears to be inoperable.
- It appears to be only worth scrap value.

You can keep your vehicle from being labeled as a junk vehicle **by making sure it is operable.**

These things can help too:

- Make sure you can tow it or drive it on short notice.
- Try to keep it driving or starting as often as possible.
- Keep it appearing roadworthy.
- Keep it safe to drive and safe to live in. Or safe to pull behind your vehicle if you live in a trailer (or boat) that uses a hitch instead of one that has its own engine.
- Make sure the lights and brakes work.

- Keep it titled, tagged and registered if you can.
- Try to keep the windows and windshields repaired.
- Try to replace the tires with tires that have legal limit tread even if they are used tires.

Law enforcement can tow on very little notice. Sometimes they won't give you **any** notice depending on the situation. If you park in private areas, the private property owners can tow you with short or no notice depending on the circumstance. If it appears unsafe for the road, law enforcement might also label it a junk vehicle and tow it.

## 2. If your vehicle home was towed

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### Can they tow my vehicle if I live in it?

**Yes.** There is **no law preventing towing or impoundment** if your vehicle is your home. But your vehicle **can't be auctioned off or sold** to pay the impound fees **if it is your home**.

**If you live in your vehicle, you can use your Homestead Act rights to ask to get your vehicle back.** Homestead rights are important if you live in your vehicle because they can protect your vehicle home from being kept for impound fees. If you need to ask for your vehicle to be released because of your Homestead Act rights, you must submit a hearing request form to the

court where you were impounded. At the hearing, you must talk to the judge about your homestead rights and financial situation.

If you live in your vehicle, and it is towed, and you can't afford the towing and storage costs, ask for a hearing **right away**. You must ask for the hearing within **10 days** of being towed.

## Can I get my vehicle-home back from impound?

Yes, **if you do either of these**:

- Pay for the towing and storage in full.
- Ask for a hearing and get a court order that orders the vehicle to be released to you. You might still owe payment to the towing company that you'll have to complete through a payment plan.

The tow yard must keep normal weekday business hours for you. (Holidays don't count.) You must bring valid ID to get the vehicle back. Also bring any other proof that you are the owner. If you aren't the registered owner, try to bring the owner with you.

## If my vehicle is my homestead, does that mean I don't have to pay any impound fees?

**No.** The Homestead Act protects your vehicle home **from being auctioned off or sold** to pay the impound fees, but you'll **still owe** the towing company for the impound fees and storage costs. Ask the court for a payment plan based on your ability to pay. You still must pay the payment plan, but your



vehicle-home should be released to you.

## How do I get my stuff back that was in my vehicle-home when it was towed?

For **up to 20 days after the impound**, you can get those things out during the tow company's weekday business hours (not counting holidays). Bring your photo ID and proof that you are the vehicle's owner or have the owner's permission to get your belongings. The towing company can't charge you to get your things out of the vehicle during this 20-day period.

**After 20 days**, any belongings still in the vehicle and not claimed are considered abandoned. The tow company can get rid of the belongings or sell them at auction with the vehicle. If you can't get your stuff out within 20 days, you can give the tow company a signed personal belongings storage request form. Then they must store your things for an extra 30 days. The tow company should give you this form when you request it. They should also include it with any initial notices you get from them.

## ()How do I ask for a hearing about my vehicle-home that was towed?

If your vehicle that you are living in has been impounded, ask for a court hearing about the impound **as soon as you know who towed it**.

You only have **10 days** from the date you were towed to submit the hearing request form to the court. **Do it as soon as possible once**

## you find out your vehicle was towed.

Ask the towing company for the hearing request form. It is called the Impounded Vehicle Hearing Request Form (<https://dol.wa.gov/forms/view/430508/download?inline>). You might have to be persistent and follow up. They are supposed to fill out the form and give it to you. Some courts will **only** accept the form from the towing company or that the towing company has filled out. Fill out the form and then ask the tow company to complete the bottom portion that they are required to fill out.

Even though this is incorrect, many towing companies won't give you the form, or fill out the form, if you aren't the registered owner. In addition to the registered owner, towing companies must give the hearing request form to anyone who is the legal owner even if they aren't the registered owner, or authorized by the registered owner.

If the towing company is giving you problems because you aren't the registered owner but you are the legal owner, seek legal help. Another option if you aren't the registered owner is to get the registered owner's help with getting the notice and the form.

If you aren't the registered owner or didn't update your address with DOL, you **can** still ask for a hearing and use the hearing request form.

If you miss the impound hearing deadline, request an impound hearing anyway. Add a written statement explaining why you missed the deadline. Some court clerks might accept it and let you

schedule a hearing.

### Will I have to pay a filing fee to ask for the court hearing?

**Yes.** You will have to pay the cost for filing for the hearing request case. This will usually be the general filing fee for the hearing court. If you can't afford the filing fee, you can use the [fee waiver form](#) to ask a judge to let you file without paying. You can also ask the court clerk for the fee waiver forms.

### What will the court decide at the hearing?

The only things the court **can decide** at an impound hearing **are**:

- Finding that the towing/impound was lawful (or unlawful).
- Finding that the impound fees and storage costs are correct (or incorrect).

The court **can also order** the towing company to:

- Release the vehicle to you without payment if it is your home.
- Order a payment plan if you can't afford to pay.

## 3. Homestead claims and tow hearings

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### Will I need to know what kind of impound it was?

**Yes.**

**If it was a public impound**, tell the judge at the hearing that the amount of the impound fees and storage costs are excessive under the Constitution. The judicial officer at your impound hearing **must** consider your ability to pay the fees (storage, impound fee, fine, the whole thing) and must lower the costs according to your ability to pay. **Only** do this if your tow was a **public** impound.

**If you were towed from private property**, you can still try to ask the judge for a payment plan at your hearing. And you can still make your homestead claim to ask for your vehicle to be released from impound.

[Our towing guide](#) can help you learn about the two types of impounds and other general towing issues.

## **What proof do I need to bring to the hearing?**

To tell the judge about your Homestead rights, you must bring proof that you own the vehicle (if you aren't the registered owner) and that you live in it. Use the [Homestead Exemption Claim for Vehicle-Home form](#) to help you prove that you live in the vehicle. You might need to file this form with the court clerk **before** your hearing date.

You should also bring any proof of your financial hardship or situation. This can help the judge order a payment plan for you.

If the tow wasn't valid, try to bring proof about why the tow wasn't valid.

### **Examples of invalid tows:**

- You were parked in an area with parking signs that allow you to park for 12 hours. You were towed after only being there for 6 hours. Bring

pictures of the parking signs and the towing ticket if it lists the tow time as your proof.

- You were towed from private property where you had permission to be and live in your vehicle. Bring proof of the permission from the property owner.

## What will happen at the hearing?

**At the hearing,** explain your individual financial circumstances and your financial hardship. Tell the judge what your monthly income and living expenses are and that you have no money to pay the costs. Tell the judge that your vehicle is your primary home. You should ask for the release of the vehicle under the Homestead Act. Give the court your Homestead Exemption Claim for Vehicle-Home form.

Ask the judge to order your vehicle to be released without having to pay right away in full. The judge can give you a payment plan instead.

## Does my vehicle registration have to be current to release it if I am making a homestead claim?

**No.** You should be able to get your vehicle-home released to you even if its registration is out of date. You **don't** have to be a registered owner of a vehicle to claim homestead rights. Neither the court nor the tow company should make you get your registration current to have it released to you under your homestead rights.

People who have a legal interest in the vehicle (such as inheritance) or who are the legal owner who are living in their vehicles may also claim homestead rights. This applies to you even if you own the vehicle but it isn't registered in your name.

## **What if my vehicle is my home and it's scheduled for auction or to be sold?**

**If you live in your vehicle as your primary home, it can't be auctioned or sold.** It should be protected from being auctioned off or sold under the Homestead Act. Tell the judge at the impound hearing if you got notice that your vehicle will be sold. Tell the judge that the vehicle is your homestead and that it can't be held or sold to pay off any debts.

Ask the judge to order the towing company to release your vehicle-home back to you without payment of any of the impound fees. If the judge refuses to do this, you might have to file other papers and go to court again to stop a sale. Act fast if you are denied your Homestead Act rights; these processes can move quickly.

If you still don't get your vehicle-home returned after the hearing, and the vehicle you live in is about to be sold, get legal help right away. Don't wait. Be persistent. **Your vehicle-home could be sold in a very short amount of time.** You may also want to send the towing company a statement (Affidavit) that you occupy your vehicle as a home and it can't be auctioned off or sold for the impound costs.

## **4. Forms**

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Form attached:

**Affidavit - Vehicle Occupied as a Home** (NJP Housing 690)

Form attached:

**Homestead Exemption Claim for Vehicle-Home** (NJP Housing 691)

## **Tips for filling out the Affidavit: Vehicle Occupied as a Home (NJP Housing 690)**

Use this form to give to debt collectors or anyone holding your vehicle-home for a debt you owe them.

**Don't** delete or change this phrase that the vehicle is "my only home and only shelter."

Fill out your name and the vehicle's information including the license plate number.

**Don't** delete or change anything in section 3: Protection from sale.

Fill out your contact information.

**Under the penalty of perjury statement:** Sign your name and put the place and date that you signed the form.

## **Tips for filling out the Homestead Exemption Claim for Vehicle-Home (NJP Housing 691)**

Use this court form to claim your Homestead Exemption rights during a towing or impound court hearing.

Fill out the headings with the court name, location and your name in the correct blank spaces. Fill out the case number “No.:\_\_\_\_” space with the case number that the clerk assigned to the case when you filed. You can also usually find the case number on the notice of hearing.

If **you started the case**, you are the Plaintiff and whoever has your vehicle is the Defendant. Usually with towing cases, you will be the Plaintiff because even though the tow company filled out the Hearing Request form, you were the one who filed it to start the case.

If the **towing company or whoever towed you** started the case, then they are the Plaintiff and you are the Defendant.

List your name and the information to describe your vehicle.

**Don’t** delete or change anything in section 3: Homestead exemption.

**Under the penalty of perjury statement:** Sign your name and put the place and date that you signed the form. Fill out your contact information.

It can help to keep extra completed copies of the Homestead Exemption Claim and Affidavit of occupancy with you in your vehicle if you live in it. Place a copy in your front windshield. Keep a copy on your person.

**WashingtonLawHelp.org** gives general information. It is not legal advice.

Find organizations that provide free legal help on our [Get legal help](#) page.

<https://assets.washingtonlawhelp.org/en/living-my-vehicle->

[what-are-my-rights](#)



# Affidavit: Vehicle occupied as a home

Give **this form** to debt collectors or anyone holding your vehicle-home for a debt you owe them.

1. **My name is** \_\_\_\_\_.

2. **Vehicle**

I live in the following vehicle as my **only home and only shelter**:

Year: \_\_\_\_\_

Make: \_\_\_\_\_

Model: \_\_\_\_\_

Color: \_\_\_\_\_

License plate number: \_\_\_\_\_

License plate state: \_\_\_\_\_

VIN (if known): \_\_\_\_\_

Other details: \_\_\_\_\_

3. **Protection from sale**

You may not auction or sell my vehicle because it is my home. The Washington State Supreme Court decided this issue in *City of Seattle v. Long*, 198 Wn.2d 136, 493 P.3d 94 (2021).

4. **My contact information**

Phone (if any): \_\_\_\_\_

Email (if any): \_\_\_\_\_

Please mail any notices to me at this address:

\_\_\_\_\_  
*Mailing address* *city* *state* *zip*

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_

► \_\_\_\_\_  
*Sign here*

\_\_\_\_\_ *Print name here*

\_\_\_\_\_ Court of Washington, City/County of \_\_\_\_\_

Plaintiff:

\_\_\_\_\_

vs. Defendant:

\_\_\_\_\_

No. \_\_\_\_\_

Homestead Exemption Claim for Vehicle-Home

(EXMPCL)

(No mandatory form)

## Homestead Exemption Claim for Vehicle-Home

*Use this form to claim your Homestead Exemption rights during a towing or impound court hearing.*

1. My name is \_\_\_\_\_.

### 2. Vehicle

I am the owner of and live in the following vehicle as my home:

Year: \_\_\_\_\_

Make: \_\_\_\_\_

Model: \_\_\_\_\_

License plate number: \_\_\_\_\_

License plate state: \_\_\_\_\_

VIN: \_\_\_\_\_

### 3. Homestead exemption

I claim a Homestead Exemption for this vehicle because I reside in this vehicle. I make this claim under state law, Chapter 6.13 RCW, and *City of Seattle v. Long*, 198 Wn.2d 136, 493 P.3d 94 (2021).

RCW 6.13.010(1) states that “[t]he Homestead consists of real or personal property that the owner uses as a residence.” RCW 6.13.040 states, “Property described in 6.13.010 constitutes a homestead and is automatically protected by the exemption described in RCW 6.13.070 from and after the time the real or personal property is occupied as a principal residence by the owner.”

Although it applies automatically, I explicitly claim the exemption now. **My vehicle may not be auctioned or sold because it is my home.**

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_



\_\_\_\_\_  
*Person claiming exemption signs here*

\_\_\_\_\_  
*Print name here*

I agree to accept legal papers for this case at (*check all that apply*):

☐ the following address (*this does **not** have to be your home address*):

\_\_\_\_\_  
*Street or mailing address*

\_\_\_\_\_  
*city*

\_\_\_\_\_  
*state*

\_\_\_\_\_  
*zip*

☐ Email: \_\_\_\_\_