

# The place I'm living in has been condemned

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If a government agency condemns a rental unit or building and you can no longer live there, you may be eligible for relocation assistance, paid by the landlord or government agency. You may be able to recover costs of moving and displacement later. Learn about your options if you have to suddenly move from your rental unit because of unsafe or unhealthy conditions.

City and county government agencies that enforce building and health codes may notify your landlord if the place your renting has conditions that violate the law. They may also post a violation notice on the door of your rental unit or building.

Sometimes the conditions are so serious that the government agency will **condemn** the rental unit or building, which means it's illegal for your landlord to rent out any of the units or for anyone to live in the units.

If your building or rental unit is condemned, the notice will tell you either that you have to leave right away or give you very little time to move, for example

24 or 48 hours. If you have to move suddenly, you may be eligible for financial assistance to help you move .

Read on to learn more about relocation assistance: when it's available and how to get it.

### **What is relocation assistance?**

The law about relocation assistance is in Washington's Residential Landlord-Tenant Act under RCW 59.18.085  
(<https://apps.leg.wa.gov/rcw/default.aspx?cite=59.18.085>).

**If a rental unit is condemned by a government agency, the tenant may be eligible for whatever is greater: \$2000 or 3 times the monthly rent amount.** The landlord must also **return any deposit and pre-paid rent** that the tenant has already paid.

After a government agency posts a condemnation notice, the law says **the landlord should pay relocation assistance within 7 days**. Unfortunately, landlords often do not offer to pay, refuse, or unable to pay a tenant the relocation assistance.

A few larger city code enforcement agencies (like in Seattle) will give the tenant relocation assistance and then try to recover the money from the landlord on the tenant's behalf. In many other cities and counties, the tenant may have to try to recover the relocation assistance suing the landlord in small claims court.

Unfortunately, the relocation assistance process is not very fast when you must move out immediately. But a tenant may be able to recover their moving costs later.

If you had to move out after your place is condemned, you can send a letter to your landlord so they know where to mail the certified check for relocation assistance as required under the law.

You can use this language as an example:

Dear Landlord:

I was a tenant living at \_\_\_\_\_ (address).

I had to move out after the unit was condemned by \_\_\_\_\_  
(government agency).

Under Washington's law, RCW 59.18.085, you must pay me:

☐ \$2000.00 or ☐ \$ \_\_\_\_\_ 3 month's rent (which ever is larger)

☐ \$ \_\_\_\_\_ (my deposit)

☐ \$ \_\_\_\_\_ (my pre-paid last month's rent)

Please mail the entire amount of \$ \_\_\_\_\_ to: \_\_\_\_\_ (new  
address).

If I do not receive your certified check by \_\_\_\_\_ (date), I may file a  
lawsuit to recover the relocation assistance, deposit, pre-paid rent,  
and actual damages that exceed the relocation assistance, as well  
as any costs and attorney fees.

**What if I have to spend more money to relocate than the amounts stated  
above?**

Tenants forced to move because their home is condemned may also recover money from the landlord for **actual expenses** that exceed the \$2000 or 3 month's rent amount. These expenses can be for moving or for other costs they would not have paid if they were still in their rental unit (for example, storage fees, food and cleaning supplies, renting a moving van).

Tenants may have to sue the landlord later in small claims court to recover the amount of actual damages. Tenants should save all receipts and keep records of all expenses so they can prove the amount of money they had to spend because of being forced to move. You can read this part of the law at RCW 59.18.085(e) (<https://apps.leg.wa.gov/rcw/default.aspx?cite=59.18.085>).

**If my landlord knows the building will be condemned, do they have to tell me?**

Yes. If the landlord knows the building will be condemned by a government agency, the landlord should give the tenant at least a 30-Day Notice to Vacate under RCW 59.18.650(2)(h) (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.650>).

However, if the government agency's order says the tenants have to move in less than 30 days, the landlord should give the tenant as much notice as possible.

**If I get relocation assistance because my rental unit was condemned, will it harm my ability to get other kinds of public assistance?**

**It shouldn't.** Payments of relocation assistance under RCW 59.18.085(5) (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.085>) should not count as "income" for purposes of eligibility for a public assistance program (like TANF).

## **Landlords are not required to pay relocation assistance in all cases**

RCW 59.18.085(3)(a) (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.085>) does not require landlords to pay relocation assistance if:

- Tenants have to move because of a natural disaster, like an earthquake, tsunami, windstorm, or wildfire.
- Tenants have to move because the government has taken the property through eminent domain.
- The tenant or tenant's guest has caused the damage that led to condemnation of the rental unit.

## **Can I still get relocation assistance if I was behind in my rent when my rental unit is condemned?**

**Yes.** Nothing in the law says that you are not entitled to relocation assistance if you are behind in rent at the time that you are forced to move.

## **What if the landlord is harassing me after being notified about code violations?**

Once the government agency notifies your landlord about code violations, and until your landlord either fixes them or gives you relocation assistance, the landlord **may not**:

- Evict, harass, or intimidate you into moving out so that the landlord does not have to pay you relocation assistance.
- Reduce your services or utilities
- Increase or change your tenant obligations, including raising rent

These retaliatory actions are prohibited under RCW 59.18.085(d) (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.085>).

**My rental unit becomes uninhabitable. Does the landlord have to pay for my hotel and moving costs?**

**It depends.** Sometimes renters must move suddenly because of a fire, water damage, structural collapse, loss of electricity or water, or other major hazard. The law about relocation assistance only applies when a government agency has posted a condemnation notice.

**If no condemnation notice has been posted,** then the landlord may not be required to pay for alternative temporary housing for the tenant while the uninhabitable conditions are fixed. Tenants should give a written notice about the conditions and request repairs. Some landlords will voluntarily pay for alternative housing (like a hotel) if the tenant is required to move while the repairs are being done even if it's not required by the law or the rental agreement. Some rental agreements may have a term that addresses this situation, but many do not.

**Tenants can contact their local code enforcement agency** to let them know about the conditions and ask for an inspector to come out to the property. The inspector may condemn the place and then the tenant may be eligible for relocation assistance under RCW 59.18.085.  
(<https://apps.leg.wa.gov/rcw/default.aspx?cite=59.18.085>)

**Tenants with renters' insurance** may have coverage for alternative or additional living expenses for when they are unable to live in their rental unit. The amount their renters' insurance will pay can vary widely from 1 week to many months.

Tenants who have to move suddenly should **save all receipts and records** to show how much money the move and relocation cost them. They should take

photos of all the uninhabitable conditions in the unit. They should keep notes about conversations they have with their landlord about how long the repairs may take and what the landlord is willing to pay for.

Tenants whose rental units are condemned may be able to **sue the landlord in small claims court later** to recover those costs if the problems were caused by the landlord's actions or inaction.

**If I cannot live in my rental unit, is my lease still in effect? Do I still have to pay rent?**

If your rental unit is condemned by a government agency, your tenancy automatically ends which means that your lease automatically ends.

If you have to temporarily move from a rental unit, your lease does not automatically end. This could be a good thing if you want to move back in for the rest of your lease term. However, you may still be obligated under the lease to pay for rent even if you are not living in the unit.

But the amount of rent you owe could eventually be reduced by the amount you have to pay to temporarily move and the other costs you have to pay because of your required move.

You can negotiate with your landlord about how much you owe and whether your rental agreement will end or continue.

Try to **get legal help** as soon as possible if you have any questions about your obligations after being forced to move out because your rental unit is condemned or because of uninhabitable conditions.

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