

Tenants: After a disaster

Author

Northwest Justice Project

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Learn about renters' rights and responsibilities after a disaster that temporarily or permanently makes a rental unit unlivable.

If you've been forced to leave a rental unit because of a flood, fire, or some other kind of disaster, you may have questions about what your rights and responsibilities as a tenant.

Learn more about local resources available for those affected by recent floods in Washington State, including Washington State Disaster Assistance, and assistance with food, livestock, medication, and cleanup.

If you have renters insurance, learn more about how to make insurance claims after a disaster.

Whether or not you have renters insurance, here are some frequently asked questions by renters after a disaster.

Do I still have to pay rent?

Maybe. If you are eventually going to return to the unit, you may still be responsible for paying rent under the terms of your rental agreement. You can try to negotiate with your landlord for a reduction in how much you have to pay while you are unable to live in the rental unit. Some landlords may agree to allow you to pay less or no rent during the time you cannot live in the unit. Get any agreements about rent reduction in writing.

However, some landlords may still claim you own rent under the terms of your rental agreement and if you do not pay rent, they may give you an eviction notice. Try to get legal help if you get an eviction notice.

If your rental unit has been completely destroyed, you may be able to argue that your rental agreement has been terminated and you do not have to pay rent. If your landlord agrees that you do not have to pay rent because the place has been destroyed, get the agreement in writing.

But don't assume that your landlord will agree to this if you still have months left in your lease term. The landlord may argue that you can move back in after the place is repaired and your lease has not been terminated. Try to get legal help if you are unsure whether you have to pay rent or not.

Can I get relocation assistance?

Maybe. Generally, relocation assistance is available under Washington State law (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.085>) if a rental unit is condemned by a government agency because of conditions that were under the landlord's control and ability to repair.

However, RCW 59.18.085 (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.085>), the law that requires relocation assistance in some cases has an exception: landlords are not required to pay relocation assistance if the rental unit is made uninhabitable by a natural disaster, such as an earthquake, tsunami, windstorm.

Does my landlord have to repair my rental unit?

Maybe. Washington's Residential Landlord-Tenant Act (RLTA) (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.060>) requires landlords to maintain and repair most parts of a rental unit while you are living there. The RLTA also provides ways that tenants can demand repairs and gives some remedies if landlords refuse to make needed repairs. Learn more about how to ask for repairs.

If the rental unit is effectively beyond repair and no longer habitable, and you have to move out, the landlord may not make repairs to the unit. You can ask your landlord in writing to return a deposit if you paid one, and they may agree to return it. If the landlord does not return your deposit, you may have to sue in small claims court to get the money back.

How does a disaster affect the eviction case against me?

If your landlord had started an eviction case against you before you have to leave the rental unit, it does not automatically go away just because the rental unit has been destroyed.

If you have an eviction hearing scheduled, you should still attend the hearing and explain how you have been forced to move because of the disaster.

If your landlord is trying to evict you, try to get legal help right away.

Will the disaster affect my housing subsidy or voucher?

If you have a housing subsidy, like HEN support (<https://www.dshs.wa.gov/esa/community-services-offices/housing-and-essential-needs-referral-program>), a Section 8 Housing Choice Voucher, or some other kind of assistance, the disaster should not affect your eligibility for the program. You may have to follow program requirements for finding a new place to rent.

Contact your case manager or housing specialist right away to tell them about your situation and what you have to do to move with your assistance, including how much time you have to find new housing. You may have to ask in writing for more time to find housing (an extension)

Try to get legal help if you are worried about losing your housing subsidy.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.