

Eviction filings triple here

Attorneys who represent landlords cite poverty, drugs, tenant unreliability

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Unlawful-detainer filings, which landlords use in Washington state to forcibly evict tenants who have violated rental-agreement terms and then ignored notices to leave, have tripled in Spokane County over the last 10 years.

The number of such civil complaints filed in Spokane County Superior Court climbed to 1,866 in 2001, up from 613 in 1991, according to figures obtained from the county clerks office. They represented 24 percent of all civil filings in the county last year, compared with about 11 percent a decade earlier, the clerks office says. Through the first half of this year, unlawful-detainer actions appeared to be running at a pace close to last years, at 876 filings, equaling about 22 percent of all civil actions filed.

A lot of it is sheer economics, and some of it is the meth thing, says Val Smith, executive director of the Inland Empire Rental Association, which serves about 500 rental-property owners, operators, and suppliers here.

Spokane Countys population has grown by about 17 percent over the last decade, and hundreds of new apartments have been constructed during that time to meet increased demand, which no doubt has contributed to a rise in evictions. Also, it should be noted that for a variety of reasons only a portion of all unlawful-detainer lawsuits end with the tenants being forcibly evicted.

Some observers say, though, that the big increase in filings similar to upswings in home foreclosures and personal bankruptcies is a troubling sign of worsening finances for residents

here.

It is absolutely an indicator of the economy in Spokane, says Spokane attorney Tom McGarry. Being a service-based economy, in my opinion, people just aren't making enough money to pay rent. Landlord-tenant matters now comprise the bulk of McGarry's legal practice, and he does eviction-related work for a range of property-management companies and rental property owners.

Illegal drug use appears to be contributing markedly to the inability of some people to pay their rent, he says, adding, I think that crack cocaine was a big problem. That was dwarfed by the methamphetamine problem. I can't blame it all on that, but that's (behind) a sizable number of the evictions. When you're dealing with the meth problem, it's not just not paying rent, it's the damage to the unit that's being done.

Frequent fliers

Also, McGarry says, There is an element of the dishonest tenant. I call them frequent fliers, people we've evicted more than once, who try to take advantage of landlords.

When taking legal steps to evict a tenant, typically for nonpayment of rent, it used to be they (the tenants) were apologetic, he says. Now, it's the landlord's fault. It's a real obvious change in the last two or three years.

Another Spokane attorney, Eric Steven, who now represents landlords almost exclusively and deals mostly with low-income and subsidized properties, says, It amazes me how much work there is now in this (landlord-tenant law) area.

He says he has beefed up his staff over the last couple of years to handle an increasing workload, most of it involving evictions. He got into that complex niche about seven years, and he says, It has just snowballed from there.

Like McGarry, he believes the weak economy here has contributed to the rising number of unlawful-detainer filings. Hes less convinced that drugs have been a big factor, but he says he does see a high degree of repetition in conduct.

It is not uncommon for me to evict the same people in the same year from different properties. There are a lot of very sophisticated, very savvy tenants, who try to work the system to avoid paying rent, he says.

What probably bewilders him most, he says, is the number of evictions that could have been and should have been avoided by better communication, from the tenant standpoint most of the time.

Too many tenants, he says, dont understand the power that a landlord has to remove you for nonpayment of rent and the importance of a rental obligation. Landlord-tenant cases are second only to criminal cases in how expeditiously theyre handled by the court, he says.

Tom Tremaine, senior attorney in the Spokane office of the Northwest Justice Project, a federally funded program that provides free civil legal services to low-income people, says many low-income tenants here simply dont have the economic means to deal with the ups and downs of life. Also, with the economy suffering, many landlords now are operating on thinner margins themselves, or are more wary of potential drug-abusing tenants, and thus are quicker to initiate eviction proceedings, he says.

In Washington, the 32-year-old Residential Landlord-Tenant Act sets forth landlords and tenants minimum duties, and provides remedies if one party fails to carry out those duties. Attorneys here say, though, that a host of other overlapping local, state, and federal laws also cover landlord-tenant issues.

While there might be an impression among some landlords here that tenants have the upper hand legally, McGarry and Steven contend thats not the case.

McGarry says it typically takes no more than three or four weeks to forcibly evict someone. He

adds that he tells clients to expect to spend around \$500 on the eviction process.

Level playing field

Steven says, I hear a lot of landlords lamenting how tenants have too many rights. Typically, though, the landlords who do that type of grouching are smaller operators who aren't knowledgeable about landlord-tenant laws and who generally haven't treated owning a rental property like a business, he says.

There are at least five organizations in the Spokane area that provide counseling and advocacy services to tenants, yet the rules still favor landlords so long as they adhere to the law, Steven says.

Overall, he says, I think the playing fields are very level at this point in time.

Steven and McGarry both say the landlords they know and represent try hard to work with tenants to keep them from reaching the point of eviction.

If anything, the attorneys assert, landlords tend to err most often by granting tenants credit and allowing them to get several months behind in rent payments.

A landlord is doing the tenant no favors by allowing them to get out on rent more than a month, Steven says.

Under state law, if a tenant is even one day behind in rent, the landlord can issue a three-day notice to pay or move out. If the tenant pays all the rent within those three days, the landlord cannot evict the tenant. A landlord isn't required, though, to accept partial payment.

If a tenant isn't complying with other terms of a rental agreement, such as keeping a cat when the agreement specifies no pets, the landlord can give a 10-day notice to comply or move out. Again, if the tenant remedies the situation within that time, the landlord can't evict.

If a tenant destroys or damages the value of a landlord's property or uses it for illegal activities, the landlord can issue a three-day notice to move out, and in that case the tenant must leave.

Most cause cases don't go to court without there being multiple warnings to cure their conduct, Steven says.

McGarry says he handles a lot of cases in which nonpayment of rent is the basis for an eviction, but drug use is the true problem. When people come to me, they've had it with the tenant, he says.

If a landlord wants a tenant to move out and doesn't give a reason, the tenant must be given a 20-day notice to leave.

For a landlord to take action against a tenant who doesn't move out, the landlord first must give written notice. If the tenant ignores the notice, the landlord must go to court on an unlawful-detainer action. If the tenant disputes the reasons for the eviction, he or she is entitled to a court hearing. If the court rules in favor of the landlord, it typically issues a writ of restitution, which instructs the sheriff to move the tenant out of the rental if the tenant doesn't move out voluntarily.

Only the sheriff can physically remove a tenant who doesn't comply.

A lot of times we'll have to make sure we send at least a couple officers, says Sgt. Russ Shane, who heads the sheriff's civil division. It's one of the more dangerous aspects of this job. You're serving them a paper that these people don't want or taking something away that they do want, and officers nationally have been killed or injured doing it, he says.

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