

## Chapter 8.46

### NOTICE OF RENT INCREASE

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#### **Section 8.46.010**      **Definitions**

As used in this chapter:

"Landlord" means a "landlord" as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 of the Residential Landlord Tenant Act of 1973 ("RLTA") in effect at the time the rental agreement is executed. At the time of passage of the ordinance codified in this chapter, RLTA defined "landlord" as "the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part," and included "any person designated as representative of the landlord."

"Housing costs" means the compensation or fees paid or charged, usually periodically, for the use of any property, land, buildings, or equipment. For purposes of this chapter, housing costs include the basic rent charge and any periodic or monthly fees for other services paid to the landlord by the tenant, but do not include utility charges that are based on usage and that the tenant has agreed in the rental agreement to pay, unless the obligation to pay those charges is itself a change in the terms of the rental agreement.

"Rental agreement" means a "rental agreement" as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 of the RLTA in effect at the time the rental agreement is executed. At the time of the passage of the ordinance codified in this chapter, the RLTA defined "rental agreement" as "all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit."

"Tenant" means a "tenant" as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 of the RLTA in effect at the time the rental agreement is executed. At the time of passage of the ordinance codified in this chapter, the RLTA defined "tenant" as "any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement."

(M-4135, Added, 09/21/2015, Sec 2-Effective 10/21/2015)

#### **Section 8.46.020**      **Rental agreement requirements**

Any rental agreement or renewal of a rental agreement for a residential rental unit in the City of Vancouver entered into after the effective date of the ordinance shall include or shall be deemed to include a provision requiring a minimum of forty-five (45) days prior written notice whenever the periodic or monthly housing costs to be charged a tenant is to increase by ten (10) percent or more over the periodic or monthly rental rate charged the same tenant for the same housing unit and same services for any period or month during the preceding twelve (12) month period.

(M-4135, Added, 09/21/2015, Sec 3-Effective 10/21/2015)

**Section 8.46.030 Provisions in violation of restrictions null and void**

Any provisions in violation of Section 8.46.020 of this Chapter in a rental agreement are null and void and of no lawful force and effect.

(M-4135, Added, 09/21/2015, Sec 4-Effective 10/21/2015)

**Section 8.46.040 Rental agreement that waives tenant's remedies prohibited - Exception.**

A. No rental agreement, whether oral or written, may provide that the tenant waives or foregoes rights or remedies under this chapter, except as provided by subsection B below.

B. A landlord and tenant may agree, in writing, to waive specific requirements of this chapter if all of the following conditions have been met:

1. The agreement to waive specific provisions is in writing and identifies the specific provisions to be waived; and
2. The agreement may not appear in a standard form written lease or rental agreement; and
3. There is no substantial inequality in the bargaining position of the two (2) parties; and
4. The attorney for the tenant has approved in writing the agreement as complying with subsections (B) (1), (B) (2) and (B) (3) of this section.

(M-4135, Added, 09/21/2015, Sec 5-Effective 10/21/2015)