



A Ten-Day Notice With Teeth

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What is a ten-day notice?

- A ten-day notice to comply or vacate is used in situations where the landlord requires the tenant to comply with the terms of the tenancy other than non-payment of rent.
- If the tenant fails to comply with the notice and fails to vacate the unit, the tenant may be evicted.



When to use it?

- Behavioral violations
 - Noise
 - Smoking
 - Unauthorized Occupants
 - Failure to follow lease or house rules
- Non-payment other than rent
 - Deposits
 - Fees
 - Utilities



Content of the Ten-Day Notice

State what rule was violated

- Almost all obligations of the tenancy are contained in the rental agreement and addenda
- Rules may be changed with 30 days written notice for month-to-month tenants
- Check state and local laws for additional obligations

State the action causing the violation

- State with specificity the behavior or action causing the violation.
- Include dates, times, and descriptions where possible.

State how the tenant may comply

- Explain what steps the tenant needs to take to fix the violation.
- The notice must include alternative language of "comply or vacate."

Other content considerations

- The lease may alter the timeframe for compliance.
- The lease may require additional disclosures or information.
 - HUD: reasonable accommodation language, 10-day discussion period, VAWA, specific date of termination, right to defend.
 - Tax Credit: VAWA disclosure, good cause

How to serve it

- RCW 59.12.040 contains the minimum requirements
 - Hand delivery to the tenant
 - Hand delivery to a person of suitable age and discretion *and* mailing
 - Posting on the door *and* mailing
- Notify each tenant
- Obtain a declaration of service of the notice
- The lease may also require additional service requirements



How to prove it

Good record keeping is essential to prove the violations.

- Photos
- Ledgers showing payment
- Logs of behavioral violations
 - Date
 - Time
 - Duration
 - Type of violation
- Witnesses



When can you start the eviction?

- One extra day is added to the waiting period if the notice is not personally served.
- Weekends and holidays count.
- In some cases you may be required to wait a “reasonable” amount of time for the tenant to comply.
- The notice is valid for 60 days.
- No waiver.

Case #1: Unauthorized Occupant



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Violation: You are in violation of paragraph 5 of your lease which prohibits assignment or subletting. Guests are limited to 14 days without prior written approval from your landlord.

Behavior: You allow your boyfriend, believed to be named “Steve,” to live in your unit for several months without obtaining the landlord’s prior written approval. Most recently, he was observed on the property from April 1 through April 15.

Compliance: You must remove your boyfriend from your unit and provide your landlord with proof of his domicile.

Case #2: Smoking



Case #2: Smoking

Violation: You are in violation of paragraph 4 of your lease which prohibits smoking in your unit, and paragraph 9 of the house rules which prohibits smoking on the property or within 25 feet of the entrance to the building.

Behavior: You were smoking cigarettes in your unit on April 14, 2019, at approximately 9:00 p.m.

Compliance: You must refrain from smoking on the property, in your unit, or within 25 feet of the entrance to the building.



THANK YOU

Questions?

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