

**RCW 59.18.290 Removal or exclusion of tenant from premises—
Holding over or excluding landlord from premises after termination
date—Attorneys' fees.**

(1) It is unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable attorneys' fees.

(2) It is unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him or her, and the prevailing party may recover his or her costs of suit or arbitration and reasonable attorneys' fees subject to subsections (3) and (4) of this section.

(3) Where the court has entered a judgment in favor of the landlord restoring possession of the property to the landlord, the court may award reasonable attorneys' fees to the landlord; however, the court shall not award attorneys' fees in the following instances:

(a) If the judgment for possession is entered after the tenant failed to respond to a pleading or other notice requiring a response authorized under this chapter; or

(b) If the total amount of rent awarded in the judgment for rent is equal to or less than two months of the tenant's monthly contract rent or one thousand two hundred dollars, whichever is greater.

(4) If a tenant has filed a motion to stay a writ of restitution from execution, the court may only award attorneys' fees to the landlord if the tenant is permitted to be reinstated pursuant to RCW 59.18.410(3). Any attorneys' fees awarded shall be subject to repayment pursuant to RCW 59.18.410(3). [2020 c 315 § 7; 2019 c 356 § 10; 2010 c 8 § 19028; 1973 1st ex.s. c 207 § 29.]

Effective date—2020 c 315 §§ 5-8: See note following RCW 59.18.410.

Findings—Intent—2020 c 315: See note following RCW 59.18.057.

Intent—2019 c 356: See note following RCW 59.12.030.