

WAC 468-100-402 Replacement housing payment for 90-day tenants and certain others. (1) **Eligibility:** A tenant displaced from a dwelling is entitled to a payment not to exceed \$9,570 for rental assistance, as computed in accordance with subsection (2) of this section, or down payment assistance, as computed in accordance with subsection (3) of this section, if such displaced person:

(a) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and

(b) Has rented, or purchased, and occupied a DSS replacement dwelling within one year (unless the agency extends this period for good cause) after the date he or she moves from the displacement dwelling.

(2) **Rental assistance payment:**

(a) **Amount of payment:** An eligible displaced person under subsection (1) of this section who rents a replacement dwelling is entitled to a payment not to exceed \$9,570 for rental assistance (see also WAC 468-100-404). Such payment shall be 42 times the amount obtained by subtracting the base monthly rent from the lesser of:

(i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or

(ii) The monthly rent and estimated average monthly cost of utilities for the DSS replacement dwelling actually occupied by the displaced person.

(b) Base monthly rental for displacement dwelling. The base monthly rental for the displacement dwelling is the lesser of:

(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the agency. (For an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances);

(ii) Thirty percent of the displaced person's average monthly gross household income if the amount is classified as "low income" by the U.S. Department of Housing and Urban Development (HUD) in its most recently published Uniform Relocation Act Income Limits ("Survey"). The base monthly rental shall be established solely on the criteria in (b)(i) of this subsection for persons with income exceeding the Survey's "low income" limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or

(iii) The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

Note: The Survey's income limits are updated annually and are available on FHWA's website at https://www.fhwa.dot.gov/real_estate/low_income_calculations/index.cfm

(c) **Manner of disbursement:** A rental assistance payment may, at the agency's discretion, be disbursed in either a lump sum or in installments. However, except as limited by WAC 468-100-403(6), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's replacement housing.

(3) **Down payment assistance payment:**

(a) **Amount of payment:** An eligible displaced person under subsection (1) of this section who purchases a replacement dwelling is enti-

tled to a down payment assistance payment in the amount the person would receive under subsection (2) of this section if the person rented a comparable replacement dwelling. At the agency's discretion, a down payment assistance payment that is less than \$9,570 may be increased to any amount not to exceed \$9,570. However, the payment to a displaced person shall not exceed the amount the homeowner-occupant would receive under WAC 468-100-401(2) if he or she met the 90-day occupancy requirement. If the agency elects to provide the maximum payment of \$9,570 as a down payment, the agency shall apply this discretion in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally (a displaced person eligible to receive a payment as a 90-day owner-occupant under WAC 468-100-401(1) is not eligible for this payment).

(b) **Application of payment:** The full amount of the replacement housing payment for down payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

[Statutory Authority: RCW 8.26.085. WSR 26-11-009, s 468-100-402, filed 5/11/26, effective 6/11/26. Statutory Authority: Chapter 8.26 RCW. WSR 06-02-068, § 468-100-402, filed 1/3/06, effective 2/3/06; WSR 89-17-048 (Order 121), § 468-100-402, filed 8/14/89, effective 9/14/89.]