

Sherwood Auburn v. Pinzon

On Monday, December 5, 2022, the Washington Court of Appeals, Division 1, published an opinion in [Sherwood Auburn v. Pinzon](#). The decision applies to all residential and manufactured/mobile home tenancies under RCW Chapters 59.18. and 59.20 *et seq* which are covered by the CARES Act, Pub. L. No. 116-136, 134 Stat. 281(2020). "Covered properties" include those that:

- participate in a "covered housing program" as defined by the Violence Against Women Act (VAWA);
- participate in the "rural housing voucher program under section 542 of the Housing Act of 1949";
- have a federally backed mortgage loan (Fannie Mae or Freddie Mac); or
- have a federally backed multifamily mortgage loan.

In sum, the Court of Appeals Division 1 ruled the following:

1. The CARES Act requires 30 days for the tenant to pay or vacate before taking judicial action against a tenant, including starting a lawsuit with an unfiled complaint;
2. The CARES Act takes priority over the Residential Landlord Tenant Act under the Supremacy Clause of the U.S. Constitution; and
3. Providing a tenant with separate notice deadlines (such as a 14-day notice to pay rent or vacate along with a separate 30-day CARES Act notice), is too confusing for the tenant to understand and therefore the landlord may not enforce the notice(s) in court.

Wenatchee Valley DRC will open new cases where landlord needs to issue **corrected pay or vacate notices**.

Wenatchee Valley DRC cannot provide legal advice. Please reach out to your legal counsel.