

## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Discussing Public Emergency Resolution No. 455 – Establishing a Temporary Moratorium on Residential Tenant Evictions

**DEPARTMENT:** City Manager's Office

**PRESENTED BY:** Jim Hammond, City Manager's Office

**ACTION:**        ☐ Ordinance        ☐ Resolution        ☐ Motion  
                 ☒ Discussion        ☐ Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Members of the City Council have requested that the City consider instituting a temporary moratorium on residential tenant evictions for non-payment of rent. This Resolution would include a moratorium on the initiation of an unlawful detainer act, issuance of any statutorily required notice and, in addition, would preclude the accrual of late fees or other charges due to non-payment of rent. This moratorium, pursuant to City emergency powers, would be temporary in order to help keep individuals and families that could face eviction due to loss of income or illness to remain housed during the COVID-19 State of Emergency. Proposed Resolution No. 455 sets forth such a moratorium. Tonight, Council is scheduled to discuss proposed Resolution No. 455.

**RESOURCE/FINANCIAL IMPACT:**

The actual cost to the City of a temporary eviction moratorium is difficult to quantify as it depends on the number of individuals that would in fact face eviction as well as landlords' compliance. If a moratorium was imposed based on the public health emergency, any landlord who acts in contravention of that moratorium is committing a misdemeanor under SMC 2.50.110. City enforcement would, by necessity, be complaint-based. There would be a workload impact on City staff resources for complaint intake, engagement with the offending landlord, and issue resolution. If a violation was flagrant and persistent, then law enforcement resources would be needed to enforce the law and city prosecutor services for court actions.

**RECOMMENDATION**

No action is required by the City Council. Staff recommends City Council discuss proposed Resolution No. 455 and provide staff feedback. Adoption of proposed Resolution No. 455 is currently scheduled for March 30, 2020. Staff believes no moratorium is necessary at this time given the recent March 18<sup>th</sup> Governor's Proclamation, the Superior Court's Stay of the same date, and the King County Sheriff's temporary suspension of enforcement of residential evictions on March 17<sup>th</sup>. The City Council may still wish to discuss additional measures and provide staff feedback.

Approved By:        City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

The outbreak of the novel coronavirus (COVID-19) and its rapid progression in Washington State continues to threaten the life and health of its people as well as the economy of the State. Both President Trump and Governor Inslee have proclaimed a State of Emergency, as has King County, the City of Shoreline, and numerous other counties and cities across the State. On March 16, 2020, the City Council adopted Resolution No. 454 ratifying the City Manager's March 4, 2020, Local Declaration of Public Health Emergency issued pursuant to SMC Chapter 2.60. The staff report for adoption of this Resolution can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport031620-7d.pdf>.

COVID-19 has been found to spread easily, and these emergency proclamations, backed by public health officials worldwide, have identified rigorous social distancing and self-isolating as essential to any effort to curtail the spread of the disease.

The social distancing and self-isolation mitigation measure needed to slow the spread of COVID-19 have resulted in layoffs, reductions in employment and consequent reductions in household income, thereby leaving large numbers of residential tenants unable to pay rent and increasing the risk of eviction. Eviction, in turn, would undermine COVID-19 containment strategies by increasing the risk of homelessness for those losing their residences by eviction, which in turn further burdens a shelter system that is already overcrowded and struggling to serve homeless individuals and families in a manner that prevents/reduces the community spread of the COVID-19 virus.

## **DISCUSSION**

The City Council is considering instituting a temporary moratorium on residential tenant evictions. This would include a moratorium on the issuance of a notice of eviction, notice of termination, and/or initiation of an eviction action. This moratorium, pursuant to City emergency powers, would help keep individuals and families in their residences during the COVID-19 state of emergency.

On March 17, 2020, the King County Sheriff announced that the Sheriff's Office was temporarily suspending the service and enforcement of evictions and that the suspension would remain in effect until the threat of COVID-19 dissipates and sufficient resources are available (Attachment B).

On March 18, 2020, the King County Superior Court, noting the King County Sheriff's action, as well as the local eviction moratoriums enacted by Seattle and Burien, stayed and suspended hearings, motions, and trials on civil residential eviction cases until March 30, 2020 when the Court will further evaluate the situation and how to deal with the "patchwork" of provisions being enacted (Attachment C). Of note in the Superior Court's order was its recognition that it could not "suspend the law" but could only address how the Court was going to process the filings.

Luckily, the same day the Superior Court issued its Order, Governor Inslee issued a Proclamation essentially "suspending" the use of the unlawful detainer and eviction

proceedings of the RCW, temporarily prohibiting residential evictions statewide, until April 17, 2020 (Attachment D). As noted in the staff report, this Proclamation prohibits:

- Landlords from serving a Notice of Unlawful Detainer for non-payment of rent;
- Landlords from issuing a 20-day Notice for Unlawful Detainer, unless needed to ensure the health and safety of tenants or other individuals;
- Landlords from initiating judicial action seeking a writ of restitution for nonpayment of rent; and
- Local law enforcement from serving or otherwise acting on eviction orders issued solely for non-payment of rent, exempting out crimes or nuisance actions.

Violations of the Governor's Proclamation are subject to a gross misdemeanor pursuant to RCW 43.06.220(5).

Given the Governor's Proclamation, the King County Superior Court's Stay and Suspension, and the King County Sheriff's suspension of service, tenants are now protected from being forced from their residences for non-payment of rent.

Prior to the Governor's Proclamation, the cities of Burien and Seattle,<sup>1</sup> took Following the Governor's Proclamation other cities, including Kenmore and Everett, have already acted or are considering action to impose a temporary moratorium on evictions as well as precluding accrual of late fees for late/non-payment of rent. The duration of moratoriums imposed by cities range from 30 days (Everett) to 60 days (Seattle). Of course, whether it is a duration stated in the Governor's, Court's, or a city's proclamation, extension of this duration is always available, and it is likely that the Governor will extend. It should be noted that these moratoriums do not in any way relieve a residential tenant from the responsibility to pay rent. But it does relieve tenants of the burden of responding to and the potentially coercive pressure of an eviction notice during a time when resources are highly stressed due to the current emergency.

Given the Governor's Proclamation, the King County Superior Court's Stay and Suspension, and the King County Sheriff's suspension of service, tenants would not be forced from their residences for non-payment of rent but, only, for public safety matters. Thus, staff does not believe a residential eviction moratorium for non-payment of rent is necessary at this time.<sup>2</sup>

Council may wish to discuss related issues such as extension of the Governor's 30-day duration and the potential future consequences of tenants facing eviction for non-payment of rent after the COVID-19 emergency, such as providing emergency rental assistance or exploring ways to facilitate landlord/tenant negotiation around rent repayment arrangements.

<sup>1</sup> Seattle, on March 18, 2020, expanded its moratorium to commercial evictions of small business and non-profits.

<sup>2</sup> In addition, Staff notes that many utilities state that they will assist customers in several ways, including such things as not disconnecting services for non-payment, not imposing late fees, or establishing deferred payment plans during the COVID-19 emergency, these include Seattle Public Utilities (Water), Seattle City Light (Electric), and Puget Sound Energy (Gas).

### **RESOURCE/FINANCIAL IMPACT**

The actual cost of a temporary eviction moratorium is difficult to quantify as it depends on the number of individuals that would in fact face eviction as well as landlords' compliance. If a moratorium was imposed based on the public health emergency, any landlord who acts in contravention of that moratorium is committing a misdemeanor under SMC 2.50.110. City enforcement would, by necessity, be complaint-based. There would be a workload impact on City staff resources for complaint intake, engagement with the offending landlord, and issue resolution. If a violation was flagrant and persistent, then law enforcement resources would be needed to enforce the law and city prosecutor services for court actions.

### **RECOMMENDATION**

No action is required by the City Council. Staff recommends City Council discuss proposed Resolution No. 455 and provide staff feedback. Adoption of proposed Resolution No. 455 is currently scheduled for March 30, 2020. Staff believes no moratorium is necessary at this time given the recent March 18<sup>th</sup> Governor's Proclamation, the Superior Court's Stay of the same date, and the King County Sheriff's Suspension of residential evictions on March 17<sup>th</sup>. The City Council may still wish to discuss additional measures and provide staff feedback.

### **ATTACHMENTS**

Attachment A – Proposed Resolution No. 455  
Attachment B – March 17, 2020 King County Sheriff's Office Suspension  
Attachment C – King County Superior Court Stay and Suspension  
Attachment D – March 18, 2020 Governor's Proclamation

## **RESOLUTION NO. 455**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON IMPOSING A TEMPORARY MORATORIUM ON RESIDENTIAL TENANT EVICTIONS DUE TO THE IMPACTS OF THE COVID-19 PANDEMIC.**

WHEREAS, pursuant to RCW 38.52.070 and SMC 2.50.060, on March 4, 2020, the City Manager issued a State of Emergency for the City of Shoreline and the City Council ratified that action on March 16, 2020 with the adoption of Resolution No. 454; and

WHEREAS, RCW 38.52.070 establishes the City of Shoreline's emergency and response powers, and authorizes the City, among other things, to protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster; and

WHEREAS, Washington State Law, at Chapter 59.12 RCW and Chapter 59.18 RCW, addresses the unlawful detainer process for removal of tenants of rental property, commonly referred to as "eviction"; and

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee proclaimed a State of Emergency as a result of the COVID-19 pandemic and has subsequently issued additional proclamations prohibiting certain activities, including the closure of schools and the reduction or suspension of business activities in various economic sections; and

WHEREAS, these actions have resulted in the laying off or reduced work hours for Shoreline residents who are anticipated to suffer economic hardship that may result in the inability to pay basic household expenses, including rent; and

WHEREAS, in addition, the COVID-19 pandemic may have resulted in an individual needing to care for a family member, as that term is defined in Chapter 50A.05 RCW Family and Medical Leave; and

WHEREAS, the inability to timely pay rent increases the likelihood of eviction for residences, increasing the life, health, and safety risks of not just Shoreline residents but the public at large from the COVID-19 pandemic; and

WHEREAS, in response to the anticipated economic hardships, the King County Sheriff has suspended service of evictions, the King County Superior Court has stay and suspended eviction proceedings, and Governor Inslee, on March 18, 2020, issued a statewide proclamation prohibiting evictions based on nonpayment of rent until April 17, 2020; and

WHEREAS, several other cities and counties have similarly issued moratoriums on evictions along with moratoriums on the accrual of late fees or charges; and

WHEREAS; a temporary moratorium on evictions will assist in reducing economic hardships and life, health, and safety risks to those impacted by layoffs and workhouse reductions on those unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, the City Council has determined that imposing a temporary moratorium on residential tenant evictions is in the best interests of the public health, safety, and welfare of the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Moratorium on Residential Tenant Evictions.**

- A. There is hereby imposed a temporary moratorium on all tenant evictions of residential dwelling units for non-payment of rent due to the financial impacts of COVID-19 by any individual or entity owning, managing, or operating such units, including but not limited to, property owners, property managers, or landlords (collectively “Landlords”).

For the purpose of this moratorium, Landlords are prohibited from:

1. Serving a Notice of Unlawful Detainer for default of rent under RCW 59.12.030(3).
  2. Issuing a 20-day Notice for Unlawful Detainer unless the Landlord attaches an affidavit attesting that the action is believed necessary to ensure the health and safety of the tenant or other individuals.
  3. Initiating judicial action seeking a writ of restitution involving a residential dwelling unit if the alleged basis for the writ is the failure of the tenant(s) to timely pay rent whether that writ is being sought under Chapter 59.12 RCW or Chapter 59.18 RCW.
- B. The above moratorium is not applicable to any eviction due to action of the tenant(s) constituting a threat to life or safety of other individuals, including but not limited to, the tenant’s family members, neighboring residents, or Landlords.

**Section 2. Moratorium on the Accrual of Fees or Charges.**

There is hereby a temporary moratorium on the accrual of any late fees or charges due to the delinquent or non-payment of rent for residential dwelling units that was due on or after the effective date of this Resolution.

**Section 3. Continued Obligation to Timely Pay Rent.**

Nothing in this Resolution relieves, stays, or suspends a tenant from timely paying rent as required by the lease or rental agreement for the residential dwelling unit.

**Section 4. Duration of Moratorium.**

The moratoriums imposed by Section 1 and Section 2 shall be effective for thirty (30) calendar days following the date of adoption of this Resolution unless terminated or extended by the City Council.

**Section 5. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or its application to any person or situation.

**Section 6. Effective Date.** This Resolution shall be effective immediately upon its adoption by the City Council.

**ADOPTED BY THE CITY COUNCIL ON MARCH 30, 2020.**

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Mayor Will Hall

**ATTEST:**

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Jessica Simulcik Smith, City Clerk



KING COUNTY SHERIFF'S OFFICE  
516 Third Avenue, W-116  
Seattle, WA 98104

Mitzi G. Johanknecht  
Sheriff

March 17, 2020

James Rogers  
Presiding Judge  
King County Superior Court  
516 3<sup>rd</sup> Ave.  
Seattle, WA 98104

Re: Temporary Suspension of Civil Evictions

Dear Judge Rogers,

As we continue to evaluate the resources of the King County Sheriff's Office (KCSO) and plan for significant increases in COVID-19 cases, I have decided that some of our normal assignments and workload must be revised. One temporary change to our workload is the redeployment of deputies in our Civil Unit, which normally handles civil evictions within King County. During this extraordinary time, I am temporarily suspending the service and enforcement of evictions until further notice.

It is imperative that we maintain the health of our commissioned personnel so that they can respond to all emergency calls that require our response, including those posing an imminent threat to the physical safety of our residents. We have made many changes in our agency to attempt to promote social distancing and prevent the spread of COVID-19 within the KCSO and I believe this decision is in keeping with such changes. Civil evictions can result in situations where deputies risk exposure to the virus because they are not able to maintain social distancing while they are facilitating physical eviction of tenants and their possessions.

In light of the information and guidance from Public Health and the CDC, I must also anticipate that members of our organization have already been exposed to COVID-19 and that we will soon have members of the KCSO quarantined and unavailable for duty. We must do what we can to maintain staffing levels for urgent emergency response, which includes the need to call out deputies who are currently assigned to the Civil Unit.

This change will become effective today and will remain in effect until we are confident the threat of COVID-19 has dissipated and we have sufficient resources to resume civil evictions.

We understand that the Court intends to still proceed with its assigned caseload and that orders will likely continue to be directed to the Sheriff's Office for evictions throughout King County. Our Civil Unit will maintain all orders relating to eviction for processing when we can safely devote our

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resources to this work. I mean no disrespect to the Court in temporarily suspending eviction services and will update the Court when we are in a position to resume implementing the Court's orders on civil evictions. At that time, we can anticipate a backlog while we work through pending eviction orders.

Very truly yours,



Mitzi G. Johanknecht  
SHERIFF

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**FILED**  
KING COUNTY, WASHINGTON  
2020 MAR 18  
**FILED**  
KING COUNTY  
MAR 18 2020  
SUPERIOR COURT CLERK  
SEA  
SUPERIOR COURT CLERK  
CASE #: 20-0-12050-5 SEA

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY**

IN THE MATTER OF  
THE RESPONSE BY  
KING COUNTY SUPERIOR COURT  
TO THE PUBLIC HEALTH  
EMERGENCY IN WASHINGTON  
STATE

NO. 20-0-12050-5

EMERGENCY ORDER #9

STAY OF RESIDENTIAL  
UNLAWFUL DETAINER CASES  
UNTIL MARCH 30, 2020

This matter comes before the Court on the public health emergency in Washington State.

The Cities of Seattle and Burien have placed moratoriums on residential evictions. The County and the remaining cities have not. The King County Sheriff has suspended indefinitely enforcement of all eviction orders that are not related to public safety or nuisance. Additionally, the moratoriums have different expiration dates, and the Sheriff's decision has no expiration date.

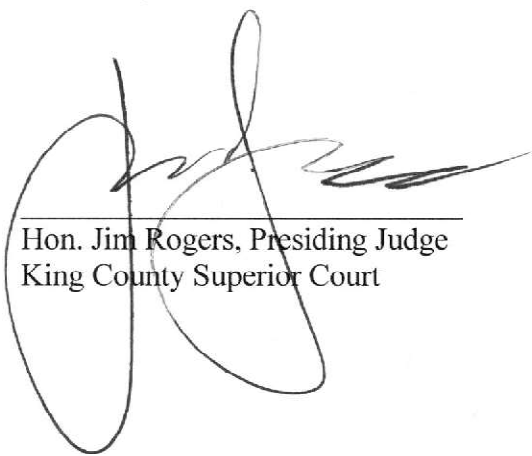
This creates a patchwork of procedures and stays that will create great confusion for the parties in these cases. This greatly impacts access to justice for tenants and landlords. The Court must review its current procedures to ensure that access is maintained for all parties during this public health emergency.

1 Many have asked why the Courts cannot place a moratorium on the eviction laws during  
2 this time, as the Mayors of Seattle and Burien have done. This is a misunderstanding of the role  
3 of the Courts. Simply put, the trial courts do not have the power to order the suspension of the  
4 eviction laws or any other statute. Washington Supreme Court Chief Justice Stephens'  
5 Emergency order properly allows suspension of procedure, not substantive law. Courts are bound  
6 to enforce the existing laws under existing procedures. Courts cannot suspend laws passed by  
7 executive and legislative branches of government. Those emergency powers do exist in the  
8 Executive branch. King County Superior Court remains open for non-trial matters.

10 THEREFORE, IT IS ORDERED that hearings, motions and trials on civil residential  
11 eviction cases are STAYED AND SUSPENDED FROM THE DATE OF THIS ORDER UNTIL  
12 MONDAY, **March 30, 2020** at which time the Court will announce new procedures for notice  
13 and other procedures as will ensure fairness for all parties. Any matter filed into ex parte via the  
14 clerk will be dismissed without prejudice to refile on or after March 30.

16 This Order does not affect commercial unlawful detainer actions which proceed forward  
17 as before.

18 March 18, 2020

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23 Hon. Jim Rogers, Presiding Judge  
24 King County Superior Court  
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**CIVIL EMERGENCY ORDER**

**CITY OF SEATTLE**

**MORATORIUM ON RESIDENTIAL EVICTIONS**

**WHEREAS**, in my capacity as Mayor, I proclaimed a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and

**WHEREAS**, the facts stated in that proclamation continue to exist, as well as the following additional facts:

**WHEREAS**, the World Health Organization (WHO) has declared that COVID-19 disease is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this disease; and

**WHEREAS**, as of March 13, 2020, Public Health – Seattle & King County announced 58 new cases of COVID-19 in King County residents, for a total of 328 cases, including 32 deaths; and

**WHEREAS**, on March 13, 2020, the Governor of Washington state issued an emergency order announcing all K-12 schools in Washington to be closed from March 17, 2020 through April 24, 2020 to combat the spread of the disease; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

**WHEREAS**, on March 11, 2020, the Governor of Washington state and the Local Health Officer for Public Health – Seattle & King County issued parallel orders prohibiting gatherings of 250 people or more for social, spiritual and recreational activities in King County; and

**WHEREAS**, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant and other industries resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

**WHEREAS**, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate- income workers resulting in lost wages and the inability to pay for basic household expenses, including rent; and

**WHEREAS**, in the last two weeks there has been a significant 50% drop in the number of tenants appearing in court for their eviction hearings in King County resulting in default judgments being entered and tenants losing substantial rights to assert defenses or access legal and economic assistance; and

**WHEREAS**, evictions result in a loss of housing and create housing instability, potentially increasing the number of people experiencing homelessness and creating a heightened risk of disease transmission; and

Civil Emergency Order Moratorium on Evictions

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**WHEREAS**, the City invests in eviction prevention programs, but resources are not sufficient to address housing stability needs of dislocated workers during this unprecedented public health epidemic; and

**WHEREAS**, jurisdictions across the nation are considering or have implemented eviction prevention to provide housing stability to dislocated workers during this unprecedented public health emergency; and

**WHEREAS**, Art. XI, Sec. 11 of the Washington State Constitution grants cities like The City of Seattle broad police powers to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

**WHEREAS**, the Washington State Legislature has declared a state policy to help residents who are experiencing a temporary crisis in retaining stable housing to avoid eviction from their homes, as expressed in Laws of 2019 c 356 section 1; and

**WHEREAS**, a temporary moratorium on residential evictions during the COVID-19 outbreak will protect the public health, safety, and welfare by reducing the number of individuals and families entering into homelessness during this epidemic, which means lowering the number of people who may develop the disease or spread the disease; and

**WHEREAS**, the civil emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to: the Charter of the City of Seattle, Article V, Section 2; Seattle Municipal Code (SMC) Chapter 10.02; and chapter 38.52 RCW; and

**WHEREAS**, SMC 10.02.020.A.15 authorizes the Mayor to proclaim “such other orders as are imminently necessary for the protection of life and property” and take extraordinary measures to protect the public peace, safety and welfare; and

**WHEREAS**, the COVID-19 civil emergency requires the issuance of an order that is specifically aimed at a moratorium on residential evictions during the civil emergency in order to keep people housed and protect the public safety, health and welfare as set forth in this Civil Emergency Order; therefore,

**WHEREAS**, the conditions of this Civil Emergency Order are designed to provide the least necessary restriction on the rights of the public per SMC 10.02.025.C and

**WHEREAS**, pursuant to SMC 10.02.025.B, I believe it is in the best interest of the public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited as set forth in this Civil Emergency Order; therefore,

**BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THAT:**

**I, JENNY A. DURKAN, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020.A.15, AND MY**

Civil Emergency Order Moratorium on Evictions

Page 2 of 4

MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED MARCH 3, 2020,  
HEREBY ORDER:

**SECTION 1:**

A. Effective immediately, a moratorium on residential evictions ~~for non-payment~~ is hereby ordered until the earlier of the termination of the civil emergency declared in the Proclamation of Civil Emergency dated March 3, 2020 or ~~30~~ 60 days from the effective date of this Emergency Order. The decision to extend the moratorium shall be evaluated and determined by the Mayor based on public health necessity;

B. ~~An owner of a housing unit~~ residential landlord shall not initiate an unlawful detainer action, issue a notice of termination, or otherwise act on any termination notice, including any action or notice related to a rental agreement that has expired or will expire during the effective date of this Emergency Order, unless the unlawful detainer action or action on a termination notice is due to actions by the tenant constituting an imminent threat to the health or safety of neighbors, the landlord, or the tenant's or landlord's household members ~~issue a notice of termination or initiate an eviction action for non-payment of rent or otherwise act on a termination notice for non-payment of rent during this moratorium.~~ Further, no late fees or other charges due to late payment of rent shall accrue during the moratorium; and

C. It shall be a defense to any eviction action that the eviction of the tenant will occur during the moratorium, unless the eviction action is due to actions by the tenant constituting an imminent threat to the health or safety of neighbors, the landlord, or the tenant's or landlord's household members. For any pending eviction action, regardless if the tenant has appeared, for the non-payment of rent, it shall be a defense to any eviction action that the eviction of the tenant would occur during the moratorium. Given the public health emergency and public safety issues, ~~a court may grant a continuance for a future hearing date in order for the eviction action to be heard after the moratorium~~ a court may grant a continuance for a future court date in order for the matter to heard at a time after the moratorium is terminated; and

D. Effective immediately, the Sheriff of King County is requested to cease execution of eviction orders during the moratorium.

**SECTION 2:**

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this proclamation, then the provision of this proclamation shall control.

**SECTION 3:**

A copy of this Civil Emergency Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Emergency Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Emergency Order to the public, as

many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems. SMC 10.02.100.

**SECTION 4:**

This Civil Emergency Order shall immediately, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Emergency Order shall be void; however, any such rejection or modification shall not affect any actions previously taken. The Council may, by resolution, ratify, modify or reject the order. If the City Council modifies or rejects this Civil Emergency Order, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of this Civil Emergency Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City, as set forth in Seattle Municipal Code subsection 10.02.020.B. The Council shall endeavor to act on any order within 48 hours of its being presented to the Council by the Mayor.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ am/pm.

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JENNY A. DURKAN  
MAYOR OF THE CITY OF SEATTLE

PHOTOCOPY

FILED  
KING COUNTY, WASHINGTON

MAR 17 2020

DEPARTMENT OF  
JUDICIAL ADMINISTRATION

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

IN THE MATTER OF  
THE RESPONSE BY  
KING COUNTY SUPERIOR COURT  
TO THE PUBLIC HEALTH  
EMERGENCY IN WASHINGTON  
STATE

NO. 20-0-12050-5

EMERGENCY NOTICE #8

EVICITION ENFORCEMENT FOR  
NONPAYMENT OF RENT  
SUSPENDED INDEFINITELY

This matter comes before the Court on the public health emergency in Washington State.

THIS IS NOTICE that the King County Sheriff has suspended indefinitely enforcement of all eviction orders that are not related to public safety or nuisance. This means that civil eviction orders for nonpayment of rent will not be enforced throughout the County. The Cities of Seattle and Burien previously have filed separate legal moratoriums for their jurisdictions. The Sheriff's letter is attached.

March 17, 2020

Hon. Jim Rogers, Presiding Judge  
King County Superior Court

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KING COUNTY SHERIFF'S OFFICE  
516 Third Avenue, W-116  
Seattle, WA 98104

Mitzi G. Johanknecht  
Sheriff

March 17, 2020

James Rogers  
Presiding Judge  
King County Superior Court  
516 3<sup>rd</sup> Ave.  
Seattle, WA 98104

Re: Temporary Suspension of Civil Evictions

Dear Judge Rogers,

As we continue to evaluate the resources of the King County Sheriff's Office (KCSO) and plan for significant increases in COVID-19 cases, I have decided that some of our normal assignments and workload must be revised. One temporary change to our workload is the redeployment of deputies in our Civil Unit, which normally handles civil evictions within King County. During this extraordinary time, I am temporarily suspending the service and enforcement of evictions until further notice.

It is imperative that we maintain the health of our commissioned personnel so that they can respond to all emergency calls that require our response, including those posing an imminent threat to the physical safety of our residents. We have made many changes in our agency to attempt to promote social distancing and prevent the spread of COVID-19 within the KCSO and I believe this decision is in keeping with such changes. Civil evictions can result in situations where deputies risk exposure to the virus because they are not able to maintain social distancing while they are facilitating physical eviction of tenants and their possessions.

In light of the information and guidance from Public Health and the CDC, I must also anticipate that members of our organization have already been exposed to COVID-19 and that we will soon have members of the KCSO quarantined and unavailable for duty. We must do what we can to maintain staffing levels for urgent emergency response, which includes the need to call out deputies who are currently assigned to the Civil Unit.

This change will become effective today and will remain in effect until we are confident the threat of COVID-19 has dissipated and we have sufficient resources to resume civil evictions.


We understand that the Court intends to still proceed with its assigned caseload and that orders will likely continue to be directed to the Sheriff's Office for evictions throughout King County. Our Civil Unit will maintain all orders relating to eviction for processing when we can safely devote our

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resources to this work. I mean no disrespect to the Court in temporarily suspending eviction services and will update the Court when we are in a position to resume implementing the Court's orders on civil evictions. At that time, we can anticipate a backlog while we work through pending eviction orders.

Very truly yours,



Mitzi G. Johanknecht  
SHERIFF

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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION 20-05**

**20-19  
Evictions**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, and 20-18, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

**WHEREAS**, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

**WHEREAS**, many in our workforce expect to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

**WHEREAS**, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health, and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

**WHEREAS**, under RCW 59.12 (Unlawful Detainer) and RCW 59.18 (Residential Landlord Tenant Act) tenants seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

**WHEREAS**, the Washington State Legislature has established a housing assistance program in Chapter 43.185 RCW pursuant to its findings in RCW 43.185.010 "that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs"; and

**WHEREAS**, a temporary moratorium on evictions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to temporarily prohibit residential evictions statewide until April 17, 2020, as provide herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**ACCORDINGLY**, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until April 17, 2020, I hereby prohibit the following activities related to residential evictions by all residential landlords operating residential rental property in Washington State:

1. Residential landlords are prohibited from serving a notice of unlawful detainer for default payment of rent related to such property under RCW 59.12.030(3).
2. Residential landlords are prohibited from issuing a 20-day notice for unlawful detainer related to such property under RCW 59.12.030(2), unless the landlord attaches an affidavit attesting that the action is believed necessary to ensure the health and safety of the tenant or other individuals.

3. Residential landlords are prohibited from initiating judicial action seeking a writ of restitution involving a dwelling unit if the alleged basis for the writ is the failure of the tenant or tenants to timely pay rent. This prohibition includes, but is not limited to, an action under Chapters 59.12 or RCW 59.18 RCW.
4. Local law enforcement is prohibited from serving or otherwise acting on eviction orders that are issued solely for default payment of rent related to such property. Nothing in this Proclamation is intended to prohibit local law enforcement from acting on orders of eviction issued for other reasons, including but not limited to waste, nuisance or commission of a crime on the premises.

Terminology used in these prohibitions shall have the meaning attributed in Chapter 59.18 RCW.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

/s/  
Secretary of State