




City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Proclamation & Issuance of Emergency Rule: Temporary Moratorium on Residential Tenant Evictions		For Council Meeting Agenda of: March 16, 2020	
		Department:	City Manager's Office
		Prepared by:	Dawn Reitan, City Attorney; and Rob Karlinsey, City Manager
Move to: Ratify the Proclamation & Issuance of Emergency Rule: Temporary Moratorium on Residential Tenant Evictions			<u>Initial & Date</u>
		Approved by City Attorney:	D.R. via email
		Approved by Finance Director:	_____
		Approved by City Manager:	<u></u>
		Attachments Proclamation & Issuance of Emergency Rule: Temporary Moratorium on Residential Tenant Evictions	
Expenditure Required N/A Amount Budgeted N/A Appropriation Required N/A			
<u>INFORMATION/BACKGROUND:</u> Given the pandemic state of emergency caused by the novel coronavirus and the resulting COVID-19 disease in our region, the city manager recommends that the Kenmore City Council ratify the Proclamation & Issuance of Emergency Rule: Temporary Moratorium on Residential Tenant Evictions, included as an attachment to this agenda bill.			

City of Kenmore

Proclamation & Issuance of Emergency Rule: Temporary Moratorium on Residential Tenant Evictions

WHEREAS, 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, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed a State of Emergency due to COVID-19; and

WHEREAS, on March 5, 2020, the City Manager issued the *City of Kenmore Proclamation*, dated March 5, 2020, which proclaimed an emergency due to COVID-19, and also proclaimed that emergency operations under Chapter 8.30 of the Kenmore Municipal Code (KMC) and the utilization of emergency powers granted under RCW 38.52.070 were in effect, and the City Council ratified the same; and

WHEREAS, on March 11, 2020, the World Health Organization classified the global spread of COVID-19 as a pandemic, and urged all governments to take action now to stem the spread of the disease; and

WHEREAS, on March 11, 2020, the Governor issued the "*Proclamation By The Governor Amending Proclamations 20-05, 20-06 And 20-07, 20-08*", dated March 11, 2020 (Proclamation 20-08), which found that COVID-19 spreads easily from person to person and may result in serious illness or death, and continues to spread in the state with cases expected to double every five to seven days, without any expectation of ending soon; and

WHEREAS, the Governor's Proclamation 20-08 also identified stringent social distancing as necessary to curtail and limit the opportunities for disease transmission, and prohibited: 1) private and public schools from in-person educational, recreational and other programs; and 2) gatherings of 250 people or more until April 24, 2020, unless extended beyond that date; and

WHEREAS, on March 11, 2020, the Local Health Officer for Public Health – Seattle & King County issued the *Local Health Officer Order*, dated March 11, 2020, which limited public events of fewer than 250 people, except under certain circumstances, with the intent to mitigate and slow the spread of COVID-19 in the community; and

WHEREAS, on March 11 the Centers for Disease Control and Prevention (CDC) issued *CDC's Recommendations for the next 30 days of Mitigation Strategies for Seattle-King, Pierce, and Snohomish Counties based on current situation with widespread COVID-19 transmission and affected health care facilities*, dated March 11, 2020, which recommends "extensive community mitigation activities" to slow the spread of, and minimize morbidity and mortality caused by, COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency due to the COVID-19 pandemic; and

WHEREAS, federal, state and local proclamations, recommendations and orders have the intended purpose of containing, mitigating and slowing the transmission of COVID-19, and include, among other things, social distancing measures, such as, limiting public events and recommending that individuals stay at home to reduce exposure to and transmission of COVID-19; and

WHEREAS, COVID-19 has severely impacted the local economy, resulting in thousands of employees working from home, the cancellation of numerous public events, significant reductions in tourism and demand at restaurants, coffee shops, and other local businesses, increased employee lay-offs, and reduction in work-hours; and

WHEREAS, the social distancing and self-isolation mitigation measure needed to slow the spread of COVID-19 will likely result in continued reductions in employment and household income, thereby leaving large numbers of residential tenants unable to pay rent and increasing the risk of eviction; and

WHEREAS, on March 12, 2020, the President and Chief Executive Officer of Puget Sound Energy (PSE) issued a press release which declared that PSE would not be disconnecting customers at this time due to economic hardship on local businesses and residences from COVID-19, and

WHEREAS, on March 15, the Governor expanded protections against COVID-19, and ordered a temporary closure of all restaurants, bars and entertainment and recreational facilities; and

WHEREAS, the City anticipates that the Northshore Utility District will soon pass a resolution temporarily suspending all residential water service terminations in response to COVID-19; and

WHEREAS, the Rental Housing Association of Washington recently posted an announcement acknowledging that King County is experiencing the highest rate of COVID-19 illness in the country, and stating that the rental housing industry recommends a 30-day hold on writs of restitution for King County, which would prevent physical evictions of local citizens during the emergency period; and

WHEREAS, the economic impacts of COVID-19 have increased the risk of residential tenant evictions due to loss of income and/or employment, however, residential evictions would dramatically undermine the containment and mitigation measures needed to slow the transmission of COVID-19; and

WHEREAS, residential tenant evictions would negate the ability of tenants to self-isolate, would increase their risk of contracting and/or spreading COVID-19, and would put them, and high-risk individuals (older adults and individuals with underlying medical conditions), at greater risk from COVID-19; and

WHEREAS, the City Manager finds that ability to self-isolate at home during this COVID-19 emergency is critical to containing, mitigating and slowing the transmission of COVID-19, and that residential tenant evictions severely undermine state and local emergency COVID-19 response efforts; and

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

WHEREAS, under the emergency powers authorized under KMC 8.30.060.A, the City Manager is empowered to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster”; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution gives the City 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 City Manager finds that establishing a temporary moratorium on residential tenant evictions is reasonably related to the protection of life, health and property, and is intended to contain, mitigate and reduce the exposure and transmission of COVID-19 in the Kenmore community by imposing a temporary moratorium on residential tenant evictions;

NOW, THEREFORE, THE CITY MANAGER OF THE CITY OF KENMORE, WASHINGTON, HEREBY PROCLAIMS, MAKES, AND ISSUES AN EMERGENCY COVID-19 RULE AS FOLLOWS:

1. Recitals. The recitals set forth above, which are incorporated herein by reference, are adopted as findings in support of the emergency rule established by this proclamation.
2. COVID-19 Pandemic and Public Health Emergency Rule: Temporary Moratorium on Residential Tenant Evictions: The City Manager hereby

makes, issues, and adopts the emergency rule set forth on Exhibit 1, "COVID-19 Pandemic and Public Health Emergency Rule: Temporary Moratorium on Residential Tenant Evictions", attached hereto and incorporated by reference.

3. Effective date. This proclamation and emergency rule shall be in full force and effect upon signature of the City Manager, and ratification by the City Council.

Dated this 16th day of March, 2020.

Signed _____
Rob Karlinsey, City Manager

Attested _____
Kelly Chelin, City Clerk



Exhibit 1

COVID-19 Pandemic and Public Health Emergency Rule: Temporary Moratorium on Residential Tenant Evictions

1. PURPOSE:

A. The purpose of this Rule is to protect the health and safety of persons, provide emergency assistance to the victims of the COVID 19 emergency and establish procedures relating to mitigation of the pandemic illness and public health emergency currently taking place, which pose a continuing risk to the health and safety of staff and the community at large.

B. The purpose of this Rule is also to implement a containment and mitigation tool for the protection of the Kenmore community, by imposing a temporary moratorium on residential tenant evictions, and therefore reducing exposure to and transmission of COVID-19.

2. SCOPE: The temporary moratorium imposed under this Rule applies to all tenant evictions from residential dwelling units within the City's boundaries.

3. DEFINITIONS:

A. "City" means the City of Kenmore.

B. "Eviction" or "evictions" mean any and all acts or conduct taken by a landlord or owner to expel or cause a tenant to vacate a residential dwelling unit within the City.

C. "Landlord" means the owner, lessor, or sub-lessor of a residential dwelling unit or property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sub-lessor, but not limited to an agent, a resident manager, or designated property manager.

D. "Moratorium" means the prohibition, delay and/or suspension of an activity.

E. "Owner" means one or more persons, jointly or severally, in whom is vested: a) all or any part of the legal title to property containing a residential dwelling unit; or b) all or part of the beneficial ownership, and a right to present use and enjoyment of the property containing a residential dwelling unit.

- F. "Rental Agreement" means all agreements which establish or modify terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a residential dwelling unit.
- G. "Rental Premises" means a residential dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.
- H. "Residential Dwelling Unit" means a residential structure or that part of a residential structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including, but not limited to, single-family residences and units of multiplexes, apartment buildings, and mobile homes.
- I. "Tenant" means any person who is entitled to occupy a residential dwelling unit primarily for living and dwelling purposes under a rental agreement.

4. REFERENCES:

- A. Art. XI, Sec. 11 of the Washington State Constitution
- B. Chapter 7.05 RCW – Local Health Departments
- C. Chapter 7.08 RCW – Combined City-County Health Departments
- D. Chapter 70.26 RCW – Pandemic Influenza Preparedness
- E. RCW 38.52.070 – Emergency Powers
- F. Chapter 8.30 KMC – Emergency Operations Plan
- G. City of Kenmore Comprehensive Emergency Management Plan
- H. Washington Department of Health: doh.wa.gov
- I. Public Health – Seattle & King County: www.kingcounty.gov/depts/health.aspx
- J. *City of Kenmore Proclamation*, dated March 5, 2020
- K. *Proclamation By The Governor Amending Proclamations 20-05, 20-06 And 20-07, 20-08*, dated March 11, 2020
- L. Public Health – Seattle & King County, *Local Health Officer Order*, dated March 11, 2020
- M. *CDC's Recommendations for the next 30 days of Mitigation Strategies for Seattle-King, Pierce, and Snohomish Counties based on current situation with widespread COVID-19 transmission and affected health care facilities*, dated March 11, 2020

5. EMERGENCY RULE - TEMPORARY MORATORIUM IMPOSED:

- A. There is hereby adopted and imposed a temporary moratorium on all tenant evictions of residential dwelling units within the City by landlords and/or owners of said residential dwelling units for the time period set forth in Section 7 of this Rule.
- B. A landlord or owner of a residential housing unit shall not issue a notice of termination or initiate an eviction action or otherwise act to evict a tenant during this temporary moratorium. Further, no late fees or other charges due to late payment of rent shall accrue during the moratorium.
- C. For any pending residential tenant eviction, it shall be a defense 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 future hearing date in order for the eviction action to be heard after the moratorium.

6. EXCEPTION TO MORATORIUM: The temporary moratorium imposed under Section 5 of this Rule shall not apply to evictions relating to the protection of life and safety, including, but not limited to, circumstances where a tenant threatens another tenant or other person(s) with a firearm or other deadly weapon, or some other unlawful use of a firearm or other deadly weapon on the rental premises, or for physically assaulting or placing another person in immediate physical danger on the rental premises.
7. DURATION: The temporary moratorium imposed in Section 5 of this Rule shall be in full force and effect upon signature of the City Manager, and ratification by the City Council, and shall not expire until 11:59 p.m. on April 24, 2020. Provided, however, the City Manager shall have the authority, in his discretion, to extend the temporary moratorium for additional time periods based on public health necessity.

Dated this 16th, day of March, 2020:

Signed 
Rob Karlinsey, City Manager

Attested 
Kelly Chelin, City Clerk