

**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

..title

A RESOLUTION modifying Resolution 31938 and the March 14, 2020 emergency order relating to residential evictions.

..body

WHEREAS, on February 29, 2020, Washington Governor Jay Inslee declared a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

WHEREAS, on March 3, 2020 the Mayor proclaimed a civil emergency related to the spread of COVID-19, authorizing the Mayor to exercise the emergency powers necessary for the protection of the public peace, safety, and welfare; and

WHEREAS, on March 5, 2020 the Council adopted Resolution 31937 affirming the civil emergency, modifying orders transmitted by the Mayor related to the emergency, and establishing Council’s expectations related to future orders and reporting by the Mayor during the civil emergency; and

WHEREAS, on July 22, 2020, the Local Health Officer for King County issued a directive and order requiring quarantine or isolation to stem the spread of COVID-19 in the community; and

WHEREAS, on March 14, 2020 the Mayor issued a civil emergency order related to residential evictions; and

WHEREAS, on March 16, 2020 the Council adopted Resolution 31938 affirming and modifying the civil emergency order related to residential evictions and establishing Council’s expectations related to future orders during the civil emergency; and

1 WHEREAS, subsequent emergency orders have extended the moratorium on evictions through  
2 February 28, 2022 as long as the period of civil emergency does not end before that time;  
3 and

4 WHEREAS, the intention of this resolution is to ~~tie the civil emergency order related to evictions~~  
5 ~~to the end of the period of civil emergency continue the civil emergency order as the~~  
6 ~~Council continues to monitor the risk due to COVID-19 and its impacts~~; and

7 WHEREAS, although Seattle has been very successful in achieving a high rate of vaccination  
8 against COVID-19 among the City's residents, the Omicron variant surged throughout the  
9 community and continues to pose a serious threat due to its heightened contagiousness;  
10 and

11 WHEREAS, on February 14, 2022, Public Health – Seattle and King County confirmed 733  
12 cases of COVID-19 in King County, including 17 deaths, for a rate of 375 cases per  
13 100,000 residents; and

14 WHEREAS, community transmission is considered substantial or high when there are more than  
15 50 cases per 100,000 residents; and

16 WHEREAS, while reported COVID-19 cases and hospitalizations are now trending downward  
17 after a substantial surge related to the Omicron variant, the seven-day average of newly  
18 reported COVID-19 cases continues to be higher than on any other date prior to the  
19 emergence of the Omicron variant; and

20 WHEREAS, continued decreases in case counts, hospitalizations, and deaths are needed before  
21 the heightened risk from the Omicron variant can be said to have passed or stress on the  
22 health system will cease to be a concern; and

1 WHEREAS, the COVID-19 crisis has had a significant impact on the local economy, and the  
2 improvements in economic conditions since the start of the pandemic have been put at  
3 risk due to the Omicron variant; and

4 WHEREAS, the Census Bureau's Household Pulse Survey released on February 16, 2022  
5 estimates that more than 77,000 households in the Seattle area with incomes below  
6 \$50,000 remain behind on rent; and

7 WHEREAS, households will continue to be at risk of eviction and housing insecurity until  
8 employment returns to pre-pandemic levels or sufficient rental assistance is available to  
9 make them current on rent payments; and

10 WHEREAS, as of January 2022, The City of Seattle has allocated over \$55 million to provide  
11 rental assistance to individuals and households whose ability to pay rent has and  
12 continues to be impacted by the public health emergency and to date over 6,300  
13 individuals and households have received rental assistance payments, with about  
14 \$25 million of funds still remaining to be distributed, in addition to funding available  
15 through King County's rental assistance program; and

16 WHEREAS, it is unlikely that all households that are behind on their rent due to the effects of  
17 the pandemic will receive rental assistance prior to February 28, 2022, and rental  
18 assistance funding may not be sufficient to assist all impacted households; and

19 WHEREAS, the Center for Disease Control and Prevention guidelines state that those who  
20 develop symptoms or who test positive for COVID-19 without symptoms stay isolated  
21 for at least five days and those exposed to COVID-19 and not up to date on vaccinations  
22 stay home for five days, assuming no symptoms arise; and

1 WHEREAS, meeting requirements to self-isolate due to illness, a positive test, or exposure to  
2 COVID-19, the need to care for household members with illness or exposure, or the loss  
3 of child care arrangements due to outbreaks could have substantial impacts on household  
4 income and the ability to stay current on rent, and these risks are compounded for  
5 workers without paid sick or safe time, those who work in the “gig economy,” and  
6 historically disadvantaged populations that are already at greater risk of eviction; and

7 WHEREAS, The City of Seattle continues to be in a state of civil emergency due to COVID-19,  
8 which is expected to prolong requirements for protective measures to stem the spread of  
9 COVID-19 and its subsequent variants; and

10 WHEREAS, protective measures, such as masking and improving air quality, and treatments for  
11 COVID-19 have not progressed to where imposing those requirements through public  
12 health orders are sufficient to prevent economic impacts as new variants emerge; and

13 WHEREAS, many sectors of the economy continue to be affected by the impacts of the  
14 pandemic, with corollary impacts on income for many households; and

15 WHEREAS, the combined economic repercussions of COVID-19 on household income,  
16 including the ability to pay rent, is expected to continue ~~for the duration of the public~~  
17 ~~civil emergency, and for a notable period afterward for many households~~; and

18 WHEREAS, the September 2018 Seattle Women’s Commission and the King County Bar  
19 Association’s report *Losing Home: The Human Cost of Eviction in Seattle* (“Losing  
20 Home Report”) found that the most disadvantaged groups face the highest likelihood of  
21 eviction; and

22 WHEREAS, the Losing Home report found that most evicted respondents became homeless,  
23 with 37.5 percent completely unsheltered, 25.0 percent living in a shelter or transitional

1 housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted  
2 respondents found another apartment or home to move into; and

3 WHEREAS, a 2018 investigation by the King County Medical Examiner’s Office found that  
4 over half of 107 presumed homeless deaths investigated occurred outside and attributed  
5 approximately 121, or 62 percent, of presumed homeless deaths investigated to non-  
6 natural causes (drug overdose, accidents (including hypothermia), suicide, homicide, and  
7 undetermined), making it clear that people experiencing homelessness have a much  
8 higher risk than the general population of developing exposure-related conditions; and

9 WHEREAS, persons with underlying health conditions are at greater risk of fatality if they catch  
10 COVID-19, and preventing individuals from becoming higher-risk patients will protect  
11 the public health, safety, and welfare of the region; and

12 WHEREAS, *The Negative Effects of Instability on Child Development*, published in 2013 by the  
13 Urban Institute, found that “[c]hildren experiencing residential instability demonstrate  
14 worse academic and social outcomes than their residentially-stable peers, such as lower  
15 vocabulary skills, problem behaviors, grade retention, increased high school drop-out  
16 rates, and lower adult educational attainment”; and

17 WHEREAS, continuing to maintain a moratorium on evictions, unless due to actions by the  
18 tenant constituting an imminent threat to the health and safety of certain persons, is  
19 necessary to protect public health and support stable housing, decrease the likelihood that  
20 individuals and families will fall into homelessness, enable tenants in the City whose  
21 income and ability to work is affected due to COVID-19 to remain in their homes; and  
22 decrease the likelihood that individuals and families ~~continue to will~~ increase the risk of

1 exposure for themselves or others due to an eviction while the COVID-19 emergency  
2 exists; and

3 WHEREAS, Seattle Municipal Code subsection 10.02.020.B provides that the Seattle City  
4 Council can either ratify and confirm, modify, or reject civil emergency orders; NOW,  
5 THEREFORE,

6 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

7 Section 1. The Civil Emergency Order relating to residential evictions, issued by Mayor  
8 Jenny A. Durkan on March 14, 2020 (Exhibit A to this resolution) as modified by the Council on  
9 March 16, 2020 (Exhibit B to this resolution) by Resolution 31938, is modified as shown in  
10 Exhibit C to this resolution.



## **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



**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

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

**SECTION 1:**

A. Effective immediately, a moratorium on residential evictions is hereby ordered until **April 30, 2022** the earlier of **the termination of the civil emergency declared in the Proclamation of Civil Emergency dated March 3, 2020** or 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. A 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. 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, 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