



Legislation Text

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File #: CB 119762, Version: 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to residential rental agreements; allowing residential tenants to pay rent in installments when the tenant is unable to timely pay rent because of the COVID-19 state of emergency; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, the coronavirus disease 19 (COVID-19) outbreak was declared a pandemic by the World Health Organization on March 11, 2020; and

WHEREAS, self-distancing (keeping at least six feet of distance between individuals) has been recommended to deter the spread of the virus; and

WHEREAS, the Governor of Washington has declared a state of emergency, prohibited gatherings of 50 or more people, and closed K-12 schools statewide in an effort to slow transmission and contraction of the disease; and

WHEREAS, such a ban in conjunction with self-distancing means cancellations of large events and a decrease in the number of people patronizing places of business, resulting in reduced work and loss of income for workers in multiple industries, including the service and entertainment industries; and

WHEREAS, a decrease in income can result in financial instability and uncertainty about how to allocate resources to continuing expenses, including rent; and

WHEREAS, the economic disruptions caused by COVID-19 will increase the likelihood that tenants will have difficulty paying rent; and

WHEREAS, the Council recognizes that economic impacts from the COVID-19 emergency are likely to last

much longer than the civil emergency itself and that the timing of when such impacts will cause tenants to be unable to pay rent will vary; and

WHEREAS, mitigating the housing and economic impacts of the COVID-19 outbreak is in the interest of the City and its residents; and

WHEREAS, allowing tenants to pay rent in installments without penalty or interest will help people to stay housed, provide housing stability, and help prevent homelessness resulting from eventual eviction for non-payment of rent; and

WHEREAS, the Council recognizes the impact of allowing installment rent payments on small landlords and intends to assess the continuing need for such protections on a weekly basis, in conjunction with consideration of the weekly reports requested from the Mayor in Section 5 of Resolution 31937, which modified the Mayor's Proclamation of Civil Emergency, beginning March 20, 2020; and

WHEREAS, the Council will continue to explore and implement strategies to support small landlords during the state of emergency; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The City Council ("Council") makes the following legislative findings of fact and declarations:

A. In the exercise of the City of Seattle's police powers, the City is granted authority to pass regulations designed to protect and promote public peace, health, safety, welfare, and prosperity.

B. On January 24, 2020, the Seattle Office of Emergency Management announced that the first reported case in Washington and in the United States of novel coronavirus (COVID-19) occurred in Snohomish County.

C. On February 28, 2020, Public Health - Seattle and King County announced the first King County and United States death due to COVID-19 at Evergreen Hospital in Kirkland, Washington.

D. 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.

E. On March 3, 2020, Mayor Jenny Durkan issued a proclamation of civil emergency in response to new cases of COVID-19, authorizing the Mayor to exercise the emergency powers necessary for the protection of the public peace, safety, and welfare.

F. On March 11, 2020, Washington Governor Jay Inslee amended his emergency order to prohibit gatherings of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.

G. On March 13, 2020, Washington Governor Jay Inslee amended his emergency order closing all schools in King, Snohomish, and Pierce Counties through April 24, 2020 to apply statewide.

H. On March 13, 2020, the U.S. President declared that the COVID-19 outbreak constituted a national emergency.

I. On March 14, 2020, Mayor Durkan signed an emergency order creating a moratorium on residential evictions for non-payment of rent through the earlier of the end of the civil emergency or 60 days after the effective date of the emergency order, prohibiting a landlord from issuing a notice of termination or initiating an eviction action for non-payment of rent or otherwise acting on a termination notice, and creating a defense to a pending eviction action for non-payment of rent that the eviction would occur during the moratorium.

J. On March 16, 2020, Washington Governor Jay Inslee mandated the immediate two-week closure of all restaurants, bars, entertainment, and recreational facilities and amended his emergency order to prohibit gatherings of 50 people or more.

K. On March 17, 2020, Public Health - Seattle and King County confirmed 518 cases of COVID-19, including 46 deaths, in King County.

L. On March 18, 2020 Washington Governor Jay Inslee announced a statewide moratorium on evictions, prohibiting landlords from serving a notice of unlawful detainer for default payment of rent and

issuing a 20-day notice for unlawful detainer, unless the landlord provides an affidavit stating that the action is believed necessary to ensure the health and safety of the tenant or others.

M. In light of COVID-19 spreading person-to-person and particularly between people who are in close contact with one another, the Centers for Disease Control and Prevention (CDC) has recommended that: those who are mildly ill self-isolate by staying home, avoiding public areas, and avoiding transportation; sensitive populations avoid people who are sick; and everyone practice self-distancing.

N. Public Health - Seattle and King County has recommended that people at higher risk of severe illness stay home and away from large groups of people as much as possible. People at higher risk include people: over 60 years of age; with underlying health conditions, including heart disease, lung disease, or diabetes; with weakened immune systems; and who are pregnant.

O. Public Health - Seattle and King County has recommended that employers take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people, including maximizing telecommuting options and maximizing flexibility in sick leave benefits for those who are ill or at high risk.

P. 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, ch. 356, § 1.

Q. The Federal Reserve's 2018 Survey of Household Economics and Decision Making found that 40 percent of adults, if faced with an unexpected expense of \$400 would not be able to cover that expense and that over 20 percent of adults are not able to pay all of their current month's bills in full.

R. The September 2018 Seattle Women's Commission and the King County Bar Association's report *Losing Home: The Human Cost of Eviction in Seattle* ("Losing Home Report") found that the most disadvantaged groups face the highest likelihood of eviction.

S. The Losing Home report found that most evicted respondents became homeless, with 37.5 percent

completely unsheltered, 25.0 percent living in a shelter or transitional housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted respondents found another apartment or home to move into.

T. The impacts of the emerging public health crisis on the economy, employment, job retention, child care, and businesses may result in: workers being unable to go to work because of illness; the need to care for children home from day care or school or for other family members without paid sick or safe time; and reduced hours due to reduced demand, furlough, or unemployment as businesses struggle during the state of emergency. These risks are compounded especially for workers without paid sick or safe time, those in the “gig economy,” and others without protections that help stabilize income. Historically disadvantaged populations are already at greater risk of eviction.

U. Requiring that tenants be allowed to pay rent in installments because of difficulties arising for the COVID-19 pandemic is necessary to protect public health, support stable housing, and decrease the likelihood that individuals and families will fall into homelessness.

Section 2. Effective immediately, the following provisions are in effect while the protections in the ordinance introduced as Council Bill 119761 are in effect.

A. A tenant who fails to pay rent when due during and within six months after the end of the civil emergency proclaimed by Mayor Durkan on March 3, 2020 because of illness; loss or reduction of income; loss of employment; reduction in compensated hours of work; business or office closure; a need to miss work to care for a family member or child, where that care is uncompensated; or other similar loss of income due to the civil emergency proclaimed by the Mayor on March 3, 2020, may elect to pay such overdue rent in installments during that period on a payment schedule. A written installment payment schedule shall be negotiated between the landlord and tenant, provided that 1) the schedule may not require the tenant to pay more than 1/3 of the monthly or periodic rent when otherwise due unless agreed by the tenant, and 2) rent in arrears shall be paid in full to the landlord no later than one year after the end of the civil emergency.

B. No late fees, interest, or other charges due to late payment of rent shall accrue during or within six

months after the end of the civil emergency.

Section 3. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 4. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.1 of the Charter of the City.

Passed by a 3/4 vote of all members of the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Monica Martinez Simmons, City Clerk

(Seal)