



Legislation Details (With Text)

File #: CB 120071 **Version:** 1 **Name:** CB 120071
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk
On agenda: 5/24/2021
Final Action: 5/28/2021 **Ord. No.** Ord 126347
Title: AN ORDINANCE relating to commercial tenancies; amending Ordinance 126066.
Sponsors: Lisa Herbold
Indexes:
Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Signed Ordinance 126347, 4. Affidavit of Publication

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|---------------------------------|--------|
| 5/28/2021 | 1 | City Clerk | attested by City Clerk | |
| 5/28/2021 | 1 | Mayor | returned | |
| 5/28/2021 | 1 | Mayor | Signed | |
| 5/28/2021 | 1 | City Clerk | submitted for Mayor's signature | |
| 5/24/2021 | 1 | City Council | passed | Pass |
| 5/18/2021 | 1 | Community Economic Development Committee | pass | Pass |
| 5/17/2021 | 1 | City Council | referred | |
| 5/13/2021 | 1 | Council President's Office | sent for review | |
| 5/4/2021 | 1 | City Clerk | sent for review | |

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to commercial tenancies; amending Ordinance 126066.

WHEREAS, The City of Seattle adopted Ordinance 126066 in April 2020 in recognition of the significant hardships felt by small businesses and not-for-profit organizations due to the COVID-19 State of Emergency; and

WHEREAS, Ordinance 126066 required property owners to negotiate payment plans with their commercial and not-for-profit tenants who were not able to pay rent on time due to the COVID-19 State of Emergency; and

WHEREAS, some business and not-for-profit tenants are being threatened with eviction either because their landlords have not agreed to a payment plan or because late payment of rent is grounds for eviction under a lease; and

WHEREAS, it is in the public interest to support existing small businesses and nonprofits who were forced to close due to the state of emergency; and

WHEREAS, The City of Seattle has a heightened interest in preventing more small businesses from closing permanently; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4 of Ordinance 126066 is amended as follows:

Section 4.

A. A small business or nonprofit tenant that fails to pay rent when due during or within six months after the termination of the civil emergency proclaimed by Mayor Durkan on March 3, 2020, may elect to pay its overdue rent in installments during that period on a payment schedule.

B. A written installment payment schedule shall be negotiated between the lessor and the small business or nonprofit for the payment of rent in arrears, provided that 1) the repayment schedule may not require the small business or nonprofit to pay, in addition to rent due for the month or period, more than 1/3 of late rent within any month or period following the month or period for which full rent was not paid unless agreed by the tenant, and 2) rent in arrears shall be paid in full to the lessor no later than one year after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

C. No late fees, interest, or other charges due to late payment of rent shall accrue during or within one year after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

D. Rent paid pursuant to a payment schedule shall not be considered overdue under the terms of the lease.

E. If the small business or nonprofit tenders a written offer to the lessor for an installment

payment schedule consistent with the limitations imposed by subsection 4.B, and if the small business or nonprofit and lessor thereafter fail to agree on an payment schedule, the small business or nonprofit shall not be deemed to have failed to pay rent when due if the small business or nonprofit pays according to the schedule in the tendered offer.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)