

ORDINANCE NO. 4178

AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, IMPOSING A MORATORIUM ON
EVICTIONS OF SMALL BUSINESS AND NONPROFIT
TENANTS AND DECLARING AN EMERGENCY.

WHEREAS, Mayor Mike Nelson proclaimed an emergency in the City of Edmonds due to the COVID-19 outbreak on March 5, 2020; and

WHEREAS, the facts stated in that proclamation continue to exist, as well as the following additional facts; and

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, on March 16, 2020, the Governor of Washington issued an order temporarily shutting down restaurants, bars, and other entertainment and food establishments, as well as prohibiting public gatherings of 50 or more people; and

WHEREAS, national public health experts believe the lack of testing has masked the true spread of COVID-19 virus, and that as of March 24, 2020 the state of Washington had 2,469 confirmed cases and 123 deaths, which could double every six days; 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, the COVID-19 crisis has had, and will continue to have, a significant impact on the local economy, impacting the retail, restaurant and other industries and resulting in economic hardship for small business owners and employees due to loss of business income, layoffs and reduced work hours for a significant percentage of this workforce; and

WHEREAS, jurisdictions across the nation are considering or have implemented temporary eviction-prevention measures to provide small business stabilization support during this unprecedented public health emergency and resulting economic crisis; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution grants cities such as the City of Edmonds 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, a temporary moratorium on small business tenant evictions during the COVID-19 outbreak will protect the public health, safety, and welfare by providing small businesses with stable locations from which to operate during and after the public health emergency, thus helping them stay in business and reduce the number of small businesses declaring bankruptcy and closing during the economic downturn caused by the public health emergency, and allowing the City's economy to recover more quickly after the COVID-19 crisis has passed; and

WHEREAS, the COVID-19 emergency requires the adoption of an ordinance that is specifically aimed at a moratorium on small business tenant evictions during the emergency in order to safeguard the local economy, which relies so heavily on small businesses, from economic collapse and to protect the public safety, health and welfare; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Moratorium on small business and nonprofit tenant evictions.

A. Effective immediately, a moratorium is hereby ordered on evictions of small business and nonprofit tenants for non-payment of rent or due to the expiration of the lease's term until the earlier of the termination of the emergency declared in the Proclamation of Emergency dated March 5, 2020 or 60 days from the effective date of this Emergency Ordinance;

B. For purposes of this moratorium, "small business" shall have the same meaning as in RCW 19.85.020(3): "'Small business' means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees" per establishment or premises;

C. For purposes of this moratorium, a "nonprofit" shall mean an entity that: (1) is a "not for profit corporation" or "nonprofit corporation" under RCW 24.03.005(16) or is

designated a "public benefit not for profit corporation" or "public benefit nonprofit corporation" under RCW 24.03.490; or (2) holds tax-exempt status under 26 U.S.C. § 501(c)(3);

D. During this moratorium, an owner of property shall not enforce a contract or statutory remedy under a lease that would remove a small business or nonprofit tenant from its premises. These prohibited remedies include, but are not limited to, terminating the tenant's lease or terminating the tenant's right to possession of the premises;

E. During this moratorium, an owner of property shall also endeavor to enter into a payment plan or other agreement to assist a distressed small business or nonprofit in rent relief, including but not limited to the deferred payment of rent, discount to rent, or other strategies to address the economic disruption caused by the COVID-19 emergency. Further, no small business or nonprofit tenant shall incur late fees, interest, or other charges due to late payment of rent during the moratorium; and

F. For any pending eviction action for the non-payment of rent, it shall be a defense to any eviction action that the eviction of the small business 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 end of the moratorium.

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The region is in the midst of a state of emergency due to the COVID-19 virus, which has also become an economic emergency for many small business and nonprofit tenants.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130. If it is only approved by a majority of the Council, it will take effect five days after passage and publication.

APPROVED:



MAYOR MIKE NELSON

ATTEST/AUTHENTICATED:



CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JEFF TARADAY

FILED WITH THE CITY CLERK:	March 20, 2020
PASSED BY THE CITY COUNCIL:	March 24, 2020
PUBLISHED:	March 27, 2020
EFFECTIVE DATE:	March 24, 2020
ORDINANCE NO.	4178

SUMMARY OF ORDINANCE NO. 4178

of the City of Edmonds, Washington

On the 24th day of March, 2020, the City Council of the City of Edmonds, passed Ordinance No. 4178. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, IMPOSING A MORATORIUM ON
EVICTIONS OF SMALL BUSINESS AND NONPROFIT
TENANTS AND DECLARING AN EMERGENCY.

The full text of this Ordinance will be mailed upon request.

DATED this 25th day of March, 2020.


CITY CLERK, SCOTT PASSEY

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH895259 ORD 4178 AND 4179 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/27/2020 and ending on 03/27/2020 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$34.39.

Dicy Sheppard

Subscribed and sworn before me on this

3rd day of April,
2020.



Linda Phillips

Notary Public in and for the State of
Washington.

ORDINANCE SUMMARY
of the City of Edmonds, Washington
On the 24th day of March, 2020, the City Council of the City of Edmonds, passed the following Ordinances, the summaries of said ordinances consisting of titles are provided as follows:

ORDINANCE NO. 4178
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, IMPOSING A MORATORIUM ON EVICTIONS OF SMALL BUSINESS AND NONPROFIT TENANTS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 4179
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, IMPOSING A MORATORIUM ON RESIDENTIAL TENANT EVICTIONS AND DECLARING AN EMERGENCY.

The full text of these Ordinances will be mailed upon request.
DATED this 25th day of March, 2020.

CITY CLERK, SCOTT PASSEY
EDH895259

Published: March 27, 2020.