

ORDINANCE NO. 4179

**AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, IMPOSING A MORATORIUM ON
RESIDENTIAL TENANT EVICTIONS 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 state 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 resulting in economic hardship for small business owners due to loss of business income, layoffs and reduced work hours for a significant percentage of this workforce; 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, the drop in court appearances in Snohomish County is likely similar to that seen in King County; 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, 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 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, 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 COVID-19 emergency requires the adoption of an ordinance that is specifically aimed at a moratorium on residential evictions during the emergency in order to keep people housed and protect the public safety, health and welfare as set forth in this Emergency Ordinance; therefore, NOW, THEREFORE,

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

Section 1. Moratorium on residential tenant evictions.

A. Effective immediately, a moratorium on residential evictions for non-payment is hereby ordered 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. 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 Snohomish County is requested to cease execution of eviction orders during 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 low- and moderate-income 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.	4179

SUMMARY OF ORDINANCE NO. 4179

of the City of Edmonds, Washington

On the 24th day of March, 2020, the City Council of the City of Edmonds, passed Ordinance No. 4179. 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
RESIDENTIAL TENANT EVICTIONS 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.

City of Edmonds - LEGAL ADS | 14101416
SCOTT PASSEY

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.