

City of Kenmore

Proclamation & Issuance of Emergency Rule 20-03.6: Amending Temporary Moratorium on Residential Tenant Evictions

WHEREAS, the outbreak of the novel coronavirus (COVID-19), and its rapid progression in Washington state continues to threaten the life and health of its people as well as the economy of the state, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed a State of Emergency due to COVID-19; and

WHEREAS, on March 5, 2020, the City Manager issued the *City of Kenmore Proclamation*, which proclaimed an emergency due to COVID-19, and also proclaimed that emergency operations under Chapter 8.30 of the Kenmore Municipal Code (KMC) and the utilization of emergency powers granted under RCW 38.52.070 were in effect, and the City Council ratified the same; and

WHEREAS, on March 11, 2020, the World Health Organization classified the global spread of COVID-19 as a pandemic, and urged all governments to take action now to stem the spread of the disease; and

WHEREAS, on March 18, 2020, the Governor issued Proclamation 20-19, which imposed a statewide moratorium on residential evictions, and which has been amended to extend the moratorium until June 30, 2021; and

WHEREAS, federal, state and local proclamations, recommendations and orders have the intended purpose of containing, mitigating and slowing the transmission of COVID-19, and include, among other things, social distancing measures, such as, limiting businesses, public events and recommending that individuals stay at home to reduce exposure to and transmission of COVID-19; and

WHEREAS, COVID-19 has severely impacted the local economy, resulting in thousands of employees working from home, the cancellation of numerous public events, significant reductions in tourism and demand at restaurants, coffee shops, and other local businesses, increased employee lay-offs, and reduction in work-hours; and

WHEREAS, the social distancing and self-isolation mitigation measure needed to slow the spread of COVID-19 resulted in continued reductions in employment and household income, thereby leaving large numbers of residential tenants unable to pay rent and increasing the risk of eviction; and

WHEREAS, the economic impacts of COVID-19 have increased the risk of residential tenant evictions due to loss of income and/or employment, however, residential evictions would

undermine the containment and mitigation measures needed to reduce the transmission of COVID-19; and

WHEREAS, residential tenant evictions would negate the ability of tenants to self-isolate, would increase their risk of contracting and/or spreading COVID-19, and would put them, and high-risk individuals (older adults and individuals with underlying medical conditions), at greater risk from COVID-19; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution vests the City of Kenmore with 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”, including during public health emergencies and disasters; and

WHEREAS, RCW 38.52.070 establishes emergency and disaster response powers, and authorizes the City to, among other things, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster; and

WHEREAS, pursuant to KMC 8.30.060.A, the City Manager has the authority to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster”; and

WHEREAS, pursuant to such authority, the City Manager issued and executed Proclamation 20-03, as amended by Proclamations 20-03.1-3.5, establishing a temporary moratorium on residential tenant evictions, with certain exemptions (“Residential Eviction Moratorium”), which the City Council ratified and adopted; and

WHEREAS, the COVID-19 pandemic has caused a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of the workforce due to substantial reductions in business activity impacting commercial sectors that support the State’s economic vitality; and

WHEREAS, many people in the workforce have been and continue to be impacted by layoffs and/or substantially reduced work hours, and are suffering economic hardship that has disproportionately affected low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of the workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of the people from the COVID-19 pandemic; and

WHEREAS, as of June 2, 2021, the CDC’s “COVID Data Tracker” identifies that 592,232 Americans have died from COVID-19, with an additional 111,729 national cases in the last seven days, and in Washington, there have been 436,984 cases, with an additional 6,869 cases in the last seven days; and

WHEREAS, information from the Washington State Attorney General’s Office identifies that because of the pandemic more than 1.6 million Washingtonians have filed unemployment claims and more than 180,000 have lost their jobs, and that the State has experienced the worst economic crisis since the Great Depression; and

WHEREAS, in King County, people of color have been disproportionately impacted by the economic shutdown, with some groups experiencing unemployment rates at 39% in King County; and

WHEREAS, only 57% of renters can afford a \$400 unexpected expense based on the Board of Governors of the Federal Reserve System’s “Report on the Economic Well-Being of U.S. Households in 2019, Featuring Supplemental Data from April 2020”; and

WHEREAS, the City Manager finds that the COVID-19 emergency has not ended and the continued ability to self-isolate at home during this continued COVID-19 emergency is critical to containing, mitigating and reducing the transmission of COVID-19, and that residential tenant evictions severely undermine state and local emergency COVID-19 response efforts; and

WHEREAS, the City Manager finds that extending the Residential Eviction Moratorium will reduce economic hardship, housing instability, and related life, health, and safety risks to those members of our workforce impacted by COVID-19 layoffs and substantially reduced work hours, or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, the City Manager finds that maintaining stable housing is a public health and economic imperative in the face of the ongoing COVID-19 pandemic, and that evictions during the pandemic could lead to increased homeless populations and crowding in shelters; and

WHEREAS, the City Manager finds it necessary to give residential tenants and landlords the time necessary to apply for and receive federal, state and local COVID-19 relief funds for rental assistance, and accordingly, also finds it necessary to extend the Kenmore Residential Eviction Moratorium through September 30, 2021;

NOW, THEREFORE, THE CITY MANAGER OF THE CITY OF KENMORE, WASHINGTON, HEREBY PROCLAIMS, MAKES, ISSUES AND ADOPTS AN EMERGENCY COVID-19 RULE AS FOLLOWS:

1. Recitals. The recitals set forth above, which are incorporated herein by reference, are adopted as findings in support of the adoption of this proclamation and emergency rule.
2. Adoption COVID-19 Pandemic and Public Health Emergency Rule 20-03.6 - Extending Temporary Moratorium on Residential Tenant Evictions: The City Manager of the City of Kenmore adopts the “Covid-19 Pandemic and Public Health Emergency Rule 20-03.6”, as set forth in Exhibit 1, attached hereto and incorporated by reference, which amends Emergency Rule 20-03 (as amended by Emergency Rules 20.03.1, 20-03.2, 20-03.3, 20-03.4, and 20-03.5).

3. Effective date & Duration. This proclamation and emergency rule shall be in full force and effect upon signature of the City Manager and its duration shall extend and be consistent with the attached Emergency Rule 20-03.6. The emergency rule shall be ratified by the City Council at the earliest practicable time.

Dated this 15 day of JUNE, 2021.

Signed 
Rob Karlinsey (Jun 15, 2021 23:38 PDT)
Rob Karlinsey, City Manager

Attested 
Anastasiya Warhol (Jun 15, 2021 11:06 PDT)
Anastasiya Warhol, City Clerk
Date Jun 15, 2021



Exhibit 1
COVID-19 Pandemic and Public Health Emergency Rule 20-03.6
Extending Temporary Moratorium on Residential Tenant Evictions

1. PURPOSE:

A. The purpose of this Rule is to protect the health and safety of persons, provide emergency assistance to the victims of the COVID 19 emergency and establish procedures relating to mitigation of the pandemic illness and public health emergency currently taking place, which pose a continuing risk to the health and safety of staff and the community at large.

B. The purpose of this Rule is also to implement a containment and mitigation tool for the protection of the Kenmore community, by imposing a temporary moratorium on residential tenant evictions, and therefore reducing exposure to and transmission of COVID-19.

2. SCOPE: The temporary moratorium imposed under this Rule applies to all tenant evictions from residential dwelling units within the City's boundaries.

3. DEFINITIONS:

A. "City" means the City of Kenmore.

B. "Eviction" or "evictions" mean any and all acts or conduct taken by a landlord or owner to expel or cause a tenant to vacate a residential dwelling unit within the City.

C. "Landlord" means the owner, lessor, or sub-lessor of a residential dwelling unit or property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sub-lessor, but not limited to an agent, a resident manager, or designated property manager.

D. "Moratorium" means the prohibition, delay and/or suspension of an activity.

E. "Owner" means one or more persons, jointly or severally, in whom is vested: a) all or any part of the legal title to property containing a residential dwelling unit; or b) all or part of the beneficial ownership, and a right to present use and enjoyment of the property containing a residential dwelling unit.

- F. “Rental Agreement” means all agreements which establish or modify terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a residential dwelling unit.
- G. “Rental Premises” means a residential dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.
- H. “Residential Dwelling Unit” means a residential structure or that part of a residential structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including, but not limited to, single-family residences and units of multiplexes, apartment buildings, and mobile or manufactured homes.
- I. “Tenant” means any person who is entitled to occupy a residential dwelling unit primarily for living and dwelling purposes under a rental agreement, including but not limited to any person with a tenancy subject to Chapter 59.18 RCW and Chapter 59.20 RCW.

4. REFERENCES:

- A. Art. XI, Sec. 11 of the Washington State Constitution
- B. Chapter 7.05 RCW – Local Health Departments
- C. Chapter 7.08 RCW – Combined City-County Health Departments
- D. Chapter 70.26 RCW – Pandemic Influenza Preparedness
- E. RCW 38.52.070 – Emergency Powers
- F. Chapter 8.30 KMC – Emergency Operations Plan
- G. City of Kenmore Comprehensive Emergency Management Plan
- H. Washington Department of Health: doh.wa.gov
- I. Public Health – Seattle & King County: www.kingcounty.gov/depts/health.aspx
- J. *City of Kenmore Proclamation*, dated March 5, 2020
- K. *Proclamation By The Governor Amending Proclamations 20-05, 20-06 And 20-07, 20-08*, dated March 11, 2020
- L. *Proclamation By The Governor 20-05 - 20-19*, dated March 18, 2020;
- M. *Proclamation by the Governor 20-05, 20-19.- 19.6*, dated March 18, 2021
- N. Public Health – Seattle & King County, *Local Health Officer Order*, dated March 11, 2020
- O. *CDC’s Recommendations for the next 30 days of Mitigation Strategies for Seattle-King, Pierce, and Snohomish Counties based on current situation with widespread COVID-19 transmission and affected health care facilities*, dated March 11, 2020
- P. *CDC’s “Covid Data Tracker”*

5. EMERGENCY RULE - TEMPORARY MORATORIUM IMPOSED:

- A. There is hereby adopted and imposed a temporary moratorium on all tenant evictions of residential dwelling units within the City by landlords and/or owners of said residential dwelling units for the time period set forth in Section 7 of this Rule.
- B. A landlord or owner of a residential housing unit is prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any residential dwelling unit, including but not limited to an eviction

notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this emergency rule. Further, no late fees or other charges due to late payment of rent shall accrue during the moratorium.

- C. For any pending residential tenant eviction, it shall be a defense that the eviction of the tenant would occur during this moratorium. Given the continued public health emergency and public safety issues, a court may grant a continuance for future hearing date in order for the eviction action to be heard after the moratorium.

6. **EXCEPTION TO MORATORIUM:** The temporary moratorium imposed under Section 5 of this Rule shall not apply to: (a) evictions relating to the protection of life and safety, including, but not limited to circumstances where action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the tenant, including but not limited when a tenant threatens another tenant or other person(s) with a firearm or other deadly weapon, or some other unlawful use of a firearm or other deadly weapon on the rental premises, or for physically assaulting or placing another person in immediate physical danger on the rental premises; (b) evictions issued for waste, nuisance or commission of a crime on the rental premises; or (c) upon the property owner providing at least 60 days' written notice of intent to (i) personally occupy the premises as a primary residence, or (ii) sell the property. The landlord, property owner or property manager shall attach an affidavit to the eviction or termination of tenancy notice attesting that the action is necessary to respond to one of the exemptions authorized in this Section 6. The required affidavit shall be signed under penalty of perjury.

7. **DURATION:** The temporary moratorium imposed in Section 5 of this Rule shall be in full force and effect upon signature of the City Manager, and ratification by the City Council, and its duration shall extend until 11:59 p.m. on September 30, 2021. The City Manager shall have the authority, in his discretion, to extend the temporary moratorium for additional time periods based on public health necessity.

Dated this 15 day of JUNE, 2021:


Signed Rob Karlinsey (Jun 15, 2021 23:38 PDT)
Rob Karlinsey, City Manager


Attested Anastasiya Warhol (Jun 15, 2021 11:06 PDT)
Anastasiya Warhol, City Clerk