

ORDINANCE NO. 698

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, DECLARING AN EMERGENCY AFFECTING THE PUBLIC HEALTH AND WELFARE; PROHIBITING COMMENCEMENT, PROSECUTION OR EXECUTION OF RESIDENTIAL EVICTIONS FOR NON-PAYMENT OF RENT FOR THE DURATION OF THE EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY; AND TAKING IMMEDIATE EFFECT.

WHEREAS, on February 29, 2020, Washington Governor Jay Inslee issued Proclamation 20-05, proclaiming the existence of a state of emergency in all Washington counties due to the outbreak of COVID-19, a novel coronavirus disease caused by the SARS-CoV-2 virus, which can result in serious illness or death; and

WHEREAS, on March 1, 2020, King County Executive Dow Constantine issued a Proclamation of Emergency in response to the COVID-19 outbreak; 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, current information provided by the CDC and Public Health – Seattle and King County demonstrates that COVID-19 continues to spread, with continued increases in confirmed cases within King County; and

WHEREAS, the Washington Emergency Management Act, Chapter 38.52 RCW, designates the City Manager as the City of Woodinville’s executive head with respect to emergency management and response; and

WHEREAS, WMC 8.10.050 authorizes the City Manager to declare the existence of and to direct the City’s response to emergencies, including implementation of the City’s Comprehensive Emergency Management Plan; and

WHEREAS, WMC 8.10.030(4) defines “emergency” to include circumstances that place life, property or the environment in danger; that require response beyond routine incident response resources; and that demand immediate action to preserve public health, protect life, protect public and private property, or to provide relief to any area within the City overtaken by such occurrences; and

WHEREAS, on March 5, 2020 at 1 p.m. Pacific Standard Time, City Manager Brandon Buchanan executed a Proclamation of Emergency, which Proclamation was ratified and approved by the City Council’s approval of Resolution No. 558 on March 17, 2020; and

WHEREAS, on March 13, 2020, the Governor of Washington issued an emergency order requiring all K-12 schools in Washington to be closed from March 17, 2020 through April 24, 2020, to combat the spread of the virus; 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 spread of the virus; and

WHEREAS, on March 16, 2020, the Governor of Washington and the Local Health Officer for Public Health – Seattle & King County issued parallel orders prohibiting gatherings of 50 people or more for social, spiritual and recreational activities in King County; prohibiting smaller gatherings if specific social distancing and other measures are not in place and enforced by a designated individual; and closing all restaurants, taverns and similar places of accommodation to on-premises food and beverage service; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy, impacting the retail, restaurant, winery, distillery and other industries, resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; 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 recent weeks there has been a significant 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, 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 COVID-19 transmission in the community; and

WHEREAS, Art. XI, Sec. 11 of the Washington State Constitution grants cities 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, RCW 35A.11.020 provides that, “the legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;” 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 emergency will protect the public health, safety, and welfare by reducing the number of individuals and families entering into homelessness during this pandemic, which means lowering the number of people who may develop or spread the disease; and

WHEREAS, the COVID-19 emergency requires the temporary prohibition of residential evictions during the emergency in order to keep people housed and to protect the public safety, health and welfare;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the foregoing recitals as factual findings in support of the adoption of this Ordinance, and hereby declares that an emergency exists necessitating the adoption and immediate effectiveness of this Ordinance.

Section 2. Moratorium on residential evictions for non-payment of rent.

A. Moratorium declared.

1. An owner of a residential housing unit located in the City of Woodinville shall not, during the moratorium imposed herein:

a. Initiate or prosecute an eviction action with respect any residential housing unit, execute an eviction from the same, or terminate a residential lease for non-payment of rent; or

b. Impose upon a residential tenant or cause to accrue any late fees or other charges due to late payment of rent. Nothing herein shall alter or affect the terms of any lease nor enforcement options available to a lessor after the moratorium has been lifted.

2. In any pending eviction action for the non-payment of rent, it shall be a defense to such action that the eviction of the tenant was initiated or would occur during the moratorium imposed herein. 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 moratorium expires or is terminated.

B. Term; Expiration. The moratorium imposed herein shall take effect immediately, and shall expire on May 1, 2020, unless terminated or extended by further action of the Council.

Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Ordinance.

Section 4. Effective date. This public emergency Ordinance, being necessary for immediate preservation of public peace, health, and safety, shall become effective upon adoption by unanimous vote of the Council, as provided for in RCW 35A.11.090. The City Clerk is directed to publish a summary of this Ordinance at the earliest possible publication date by publication of the Ordinance title and to cause a copy of this Ordinance to be published on the City's web site as soon as practicable.

**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE
THIS 17th DAY OF MARCH, 2020.**

Elaine Cook, Mayor

ATTEST/AUTHENTICATED:

Katie Hanke, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Jeffrey Ganson, City Attorney

PASSED BY THE CITY COUNCIL: 03-17-2020
PUBLISHED: 03-23-2020
EFFECTIVE DATE: 03-17-2020
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