

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEA
FILED
KING COUNTY, WASHINGTON
2020 MAR 18
FILED
MAR 18 2020
KING COUNTY
SUPERIOR COURT CLERK
SEA
SUPERIOR COURT CLERK
CASE #: 20-0-12050-5 SEA

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY**

IN THE MATTER OF
THE RESPONSE BY
KING COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH
EMERGENCY IN WASHINGTON
STATE

NO. 20-0-12050-5

EMERGENCY ORDER #9

STAY OF RESIDENTIAL
UNLAWFUL DETAINER CASES
UNTIL MARCH 30, 2020

This matter comes before the Court on the public health emergency in Washington State.

The Cities of Seattle and Burien have placed moratoriums on residential evictions. The County and the remaining cities have not. The King County Sheriff has suspended indefinitely enforcement of all eviction orders that are not related to public safety or nuisance. Additionally, the moratoriums have different expiration dates, and the Sheriff's decision has no expiration date.

This creates a patchwork of procedures and stays that will create great confusion for the parties in these cases. This greatly impacts access to justice for tenants and landlords. The Court must review its current procedures to ensure that access is maintained for all parties during this public health emergency.

119

1 Many have asked why the Courts cannot place a moratorium on the eviction laws during
2 this time, as the Mayors of Seattle and Burien have done. This is a misunderstanding of the role
3 of the Courts. Simply put, the trial courts do not have the power to order the suspension of the
4 eviction laws or any other statute. Washington Supreme Court Chief Justice Stephens'
5 Emergency order properly allows suspension of procedure, not substantive law. Courts are bound
6 to enforce the existing laws under existing procedures. Courts cannot suspend laws passed by
7 executive and legislative branches of government. Those emergency powers do exist in the
8 Executive branch. King County Superior Court remains open for non-trial matters.

10 THEREFORE, IT IS ORDERED that hearings, motions and trials on civil residential
11 eviction cases are STAYED AND SUSPENDED FROM THE DATE OF THIS ORDER UNTIL
12 MONDAY, **March 30, 2020** at which time the Court will announce new procedures for notice
13 and other procedures as will ensure fairness for all parties. Any matter filed into ex parte via the
14 clerk will be dismissed without prejudice to refile on or after March 30.

16 This Order does not affect commercial unlawful detainer actions which proceed forward
17 as before.

18 March 18, 2020

19
20
21
22
23 Hon. Jim Rogers, Presiding Judge
24 King County Superior Court
25

2/19

CIVIL EMERGENCY ORDER

CITY OF SEATTLE

MORATORIUM ON RESIDENTIAL EVICTIONS

WHEREAS, in my capacity as Mayor, I proclaimed a civil emergency exists in the City of Seattle in the Mayoral Proclamation of Civil Emergency dated March 3, 2020; and

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

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, as of March 13, 2020, Public Health – Seattle & King County announced 58 new cases of COVID-19 in King County residents, for a total of 328 cases, including 32 deaths; and

WHEREAS, on March 13, 2020, the Governor of Washington state issued an emergency order announcing all K-12 schools in Washington to be closed from March 17, 2020 through April 24, 2020 to combat the spread of the disease; 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, on March 11, 2020, the Governor of Washington state and the Local Health Officer for Public Health – Seattle & King County issued parallel orders prohibiting gatherings of 250 people or more for social, spiritual and recreational activities in King County; and

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant 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 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, 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

3/9 2

WHEREAS, the City invests in eviction prevention programs, but resources are not sufficient to address housing stability needs of dislocated workers during this unprecedented public health epidemic; 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 Seattle 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 civil emergency necessitates the utilization of emergency powers granted to the Mayor pursuant to: the Charter of the City of Seattle, Article V, Section 2; Seattle Municipal Code (SMC) Chapter 10.02; and chapter 38.52 RCW; and

WHEREAS, SMC 10.02.020.A.15 authorizes the Mayor to proclaim “such other orders as are imminently necessary for the protection of life and property” and take extraordinary measures to protect the public peace, safety and welfare; and

WHEREAS, the COVID-19 civil emergency requires the issuance of an order that is specifically aimed at a moratorium on residential evictions during the civil emergency in order to keep people housed and protect the public safety, health and welfare as set forth in this Civil Emergency Order; therefore,

WHEREAS, the conditions of this Civil Emergency Order are designed to provide the least necessary restriction on the rights of the public per SMC 10.02.025.C and

WHEREAS, pursuant to SMC 10.02.025.B, I believe it is in the best interest of the public safety, rescue and recovery efforts, and the protection of property that the exercise of certain rights be temporarily limited as set forth in this Civil Emergency Order; therefore,

BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THAT:

I, JENNY A. DURKAN, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020.A.15, AND MY

Civil Emergency Order Moratorium on Evictions

419 +

MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED MARCH 3, 2020,
HEREBY ORDER:

SECTION 1:

A. Effective immediately, a moratorium on residential evictions ~~for non-payment~~ is hereby ordered until the earlier of the termination of the civil emergency declared in the Proclamation of Civil Emergency dated March 3, 2020 or ~~30~~ 60 days from the effective date of this Emergency Order. The decision to extend the moratorium shall be evaluated and determined by the Mayor based on public health necessity;

B. ~~An owner of a housing unit~~ 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 ~~issue a notice of termination or initiate an eviction action for non-payment of rent or otherwise act on a termination notice for non-payment of rent during this moratorium.~~ 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, for the non-payment of rent, it shall be a defense to any eviction action that the eviction of the 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 moratorium~~ 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 King County is requested to cease execution of eviction orders during the moratorium.

SECTION 2:

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this proclamation, then the provision of this proclamation shall control.

SECTION 3:

A copy of this Civil Emergency Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Emergency Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Emergency Order to the public, as

many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems. SMC 10.02.100.

SECTION 4:

This Civil Emergency Order shall immediately, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Emergency Order shall be void; however, any such rejection or modification shall not affect any actions previously taken. The Council may, by resolution, ratify, modify or reject the order. If the City Council modifies or rejects this Civil Emergency Order, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of this Civil Emergency Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City, as set forth in Seattle Municipal Code subsection 10.02.020.B. The Council shall endeavor to act on any order within 48 hours of its being presented to the Council by the Mayor.

DATED this _____ day of _____, 2020, at _____ am/pm.

JENNY A. DURKAN
MAYOR OF THE CITY OF SEATTLE

6/9 ✂

PHOTOCOPY

FILED
KING COUNTY, WASHINGTON

MAR 17 2020

DEPARTMENT OF
JUDICIAL ADMINISTRATION

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

IN THE MATTER OF
THE RESPONSE BY
KING COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH
EMERGENCY IN WASHINGTON
STATE

NO. 20-0-12050-S

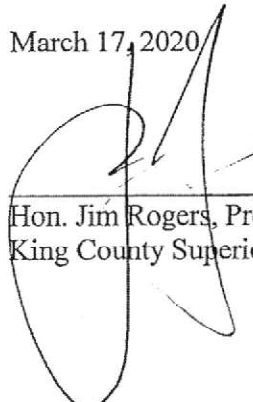
EMERGENCY NOTICE #8

EVICITION ENFORCEMENT FOR
NONPAYMENT OF RENT
SUSPENDED INDEFINITELY

This matter comes before the Court on the public health emergency in Washington State.

THIS IS NOTICE that the King County Sheriff has suspended indefinitely enforcement of all eviction orders that are not related to public safety or nuisance. This means that civil eviction orders for nonpayment of rent will not be enforced throughout the County. The Cities of Seattle and Burien previously have filed separate legal moratoriums for their jurisdictions. The Sheriff's letter is attached.

March 17, 2020



Hon. Jim Rogers, Presiding Judge
King County Superior Court

1/3

7/9 #



KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104

Mitzi G. Johanknecht
Sheriff

March 17, 2020

James Rogers
Presiding Judge
King County Superior Court
516 3rd Ave.
Seattle, WA 98104

Re: Temporary Suspension of Civil Evictions

Dear Judge Rogers,

As we continue to evaluate the resources of the King County Sheriff's Office (KCSO) and plan for significant increases in COVID-19 cases, I have decided that some of our normal assignments and workload must be revised. One temporary change to our workload is the redeployment of deputies in our Civil Unit, which normally handles civil evictions within King County. During this extraordinary time, I am temporarily suspending the service and enforcement of evictions until further notice.

It is imperative that we maintain the health of our commissioned personnel so that they can respond to all emergency calls that require our response, including those posing an imminent threat to the physical safety of our residents. We have made many changes in our agency to attempt to promote social distancing and prevent the spread of COVID-19 within the KCSO and I believe this decision is in keeping with such changes. Civil evictions can result in situations where deputies risk exposure to the virus because they are not able to maintain social distancing while they are facilitating physical eviction of tenants and their possessions.

In light of the information and guidance from Public Health and the CDC, I must also anticipate that members of our organization have already been exposed to COVID-19 and that we will soon have members of the KCSO quarantined and unavailable for duty. We must do what we can to maintain staffing levels for urgent emergency response, which includes the need to call out deputies who are currently assigned to the Civil Unit.

This change will become effective today and will remain in effect until we are confident the threat of COVID-19 has dissipated and we have sufficient resources to resume civil evictions.

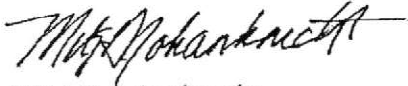
We understand that the Court intends to still proceed with its assigned caseload and that orders will likely continue to be directed to the Sheriff's Office for evictions throughout King County. Our Civil Unit will maintain all orders relating to eviction for processing when we can safely devote our

2/3

8/9 4

resources to this work. I mean no disrespect to the Court in temporarily suspending eviction services and will update the Court when we are in a position to resume implementing the Court's orders on civil evictions. At that time, we can anticipate a backlog while we work through pending eviction orders.

Very truly yours,



Mitzi G. Johanknecht
SHERIFF

3/3

9/9 ✕