

Our COVID-19 Updates & Alerts

HCMP Update: Seattle Eviction Moratorium Extension (3/18/21)

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On March 18, 2021, Mayor Durkan extended until June 30, 2021, her Order declaring a civil emergency in response to the COVID-19 pandemic. As a result, existing moratoriums that prohibit evictions of residential tenants, nonprofits, and small businesses are extended through June 30, 2021. Several other citywide closures, suspensions, and relief measures were also extended in the Mayor's Executive Order. Click the links above to learn more.

HCMP Update: Washington Eviction Moratorium Extended Through 3/31/21

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Governor Inslee has extended the state eviction moratorium through March 31, 2021. The new proclamation clarifies exceptions to the eviction moratorium.

HCMP Update: Seattle Eviction Moratoriums Extended Through 3/31/21

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On December 15, 2020, Mayor Durkan extended until March 31, 2021, her order declaring a civil emergency in response to the COVID-19 pandemic. Click the links above to learn more.

HCMP Update: Washington's Residential Eviction Moratorium Extended Through 2020

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Governor Inslee has extended the state eviction moratorium through the end of 2020. The new proclamation clarifies exceptions to the eviction moratorium. Click the links above to learn more.

HCMP Update: CDC Eviction Moratorium and Seattle Landlord Lawsuit

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Click the links above to learn more.

HCMP Update: Seattle Eviction Moratorium Extended to 1/1/21

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Mayor Durkan's order declaring a civil emergency in response to the COVID-19 pandemic (the "Order") was extended on July 31, 2020, to prohibit evictions in Seattle for residential tenants, nonprofits, and small businesses until January 1, 2021. Click the links above to learn more.

HCMP Update: HB 4204 - Oregon Forbearance Moratorium

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In response to the effects that the COVID-19 pandemic has had on the economy, Governor Kate Brown signed House Bill 4204 ("HB 4204") into law on June 30, 2020. HB 4204 protects borrowers who fail to make payments due to economic hardship resulting from COVID-19 so long as the borrower provides to lender the notice required in the statute of their inability to make such payments. The law is broad in scope and applies to both residential as well as commercial loans secured by real property located in Oregon or personal property that is used as a residence in Oregon. One of the most significant provisions of the law is that it requires lenders to notify their borrowers by mail, no later than August 29, 2020, of their borrowers' rights for accommodations under HB 4204. Click the links above to learn more.

HCMP Update: Residential Eviction Moratorium Extended to 10/15/20

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On February 29, 2020, Governor Inslee proclaimed a state of emergency in the State of Washington in response to the emerging COVID-19 pandemic. On March 18, 2020, Governor Inslee issued Proclamation 20-19, an eviction moratorium that prohibited residential evictions until April 17, 2020. Governor Inslee later extended the eviction moratorium until June 4, 2020, with an expanded scope to include commercial tenants, and later extended it again until August 1, 2020. On July 24, 2020, Governor Inslee extended the eviction moratorium until October 15, 2020, with Proclamation 20-19.3, clarifying law enforcement service of eviction orders allowed during the eviction

moratorium. Click the links above to learn more.

HCMP Update: CB 119829 Suspension of Personal Guarantees

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Seattle City Council Bill 119829 passed unanimously on July 21, 2020. The bill effectively suspends enforcement of “personal liability” on commercial leases for nonprofits and qualifying small businesses affected by COVID-19 until six months after the Mayor’s civil emergency order proclaimed on March 3, 2020 (“Order”) is terminated. Click the links above to learn more.

HCMP Update: Expedited Voluntary Cleanup Program

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On July 1, 2020, the Washington Department of Ecology (“Ecology”) unveiled the details regarding its new Expedited Voluntary Cleanup Program (“EVCP”) that is now open for applications as of July 6, 2020. Click the links above to learn more.

HCMP Update: King County Ordinance 2020-0191

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The King County Council passed an ordinance to give eviction defenses to qualifying residential tenants who have been affected by COVID-19. Click the links above to learn more.

6.3.20 Update: Washington State Rent Changes

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Governor Inslee extended a modified version of the eviction moratorium until August 1, 2020 with Proclamation 20-19.2, addressing several concerns with the prior versions. Click the links above to learn more.

Eviction Moratorium Update: Seattle City Council Bills 119784, 119787 & 119788

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The Seattle City Council adopted a series of bills in recent days which further codified protections against eviction for residential tenants. To learn more about the implications of these new protections, click the links above.

PPP Loans: A Change in Tenor Regarding Borrowers' "Need" for PPP Loans Based on Certain Abuses of the Program and a Safe Harbor Payback Date of May 14, 2020

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Following passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) on March 27, 2020, small businesses were encouraged by the Federal Government to apply for a Paycheck Protection Program (“PPP”) loan from the SBA if experiencing hardships based on the anticipated impact of the unprecedented partial shutdown of the country caused by the COVID 19 pandemic. This update will cover the changes that have been made since the PPP was rolled out, and how they affect applicants awaiting approval, as well as borrowers who have already received loans. Click the links above to learn more.

Seattle Emergency Legislation: Design Review and Historic Review Permit Processes

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On April 27, 2020, the Seattle City Council passed Council Bill 119769, which is emergency legislation that temporarily modifies several aspects of the City's permit processes to allow permit review to move forward while minimizing in-person contact and to give the City more time to resolve technical issues with conducting virtual public hearings. The legislation was passed today after the City Council reconsidered a vote against it last week. Click the links above to learn more.

UPDATE - Resuming Existing Construction Projects: Understanding the Restrictions for Washingtonians

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On April 24th, Governor Inslee announced that existing construction projects may restart and continue work, subject to numerous restrictions. On April 29th, the Governor issued additional guidance on resuming construction activities on existing projects. Click the links above to learn more.

Washington State Rent Changes

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In late February, Governor Inslee issued Proclamation 20-05, proclaiming a state of emergency in the State of Washington in response to the emerging COVID-19 pandemic. As the pandemic and its negative effects on the workforce continue, Governor Inslee has issued several amendments to the Proclamation designed to lessen the economic hardship of COVID-19 on Washingtonians. The newest amendment, Amendatory Proclamation 20-19.1, was issued April 16, 2020, and further expands the Proclamation. To learn more about its provisions and their impact, click the links above to read our full update on this matter.

Seattle Commercial Landlord Legislation: Council Bill 119766

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Council Bill 119766, with amendment to narrow the definition of small businesses, passed unanimously on April 13, 2020. The bill was drafted in an effort to mitigate the effects of COVID-19 on the Seattle business community. It allows property owners and landlords to still receive rental payments, but minimizes the rental debt of nonprofits and certain small businesses so that they have a greater chance to remain operational after the civil emergency order proclaimed by Mayor Durkan on March 3, 2020 (“Order”) is terminated. Click the links above to learn more.

Summary - Electronic Records Notary Public - Remotely Located Individuals

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Governor Inslee issued an order that will temporarily allow electronic notarization for remotely located individuals starting Friday, March 27, 2020. This will allow individuals who require notary services to maintain the social distancing required to combat COVID-19.

This remote notarization service can only be provided by an electronic records notary public with a remote notarization endorsement (“ERNP”) and not all notaries public have such additional endorsements. An ERNP must be registered and approved by the Washington State Department of Licensing (“Department” or “DOL”) before providing remote notarization services. Click the links above to learn more.

Effects of the COVID-19 Emergency on Leases in Washington

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The current global pandemic of the coronavirus disease (COVID-19) is affecting many aspects of daily life and business. Circumstances and guidance surrounding the spread of the disease change day by day, and governments are rapidly instituting emergency protocols, orders, and restrictions across industries in an attempt to support their citizens and economies.

As part of their emergency measures, jurisdictions throughout the state of Washington are instituting moratoriums on tenant evictions. This memorandum summarizes the current state of these moratoriums and analyzes their impact on landlords. Click the links above to learn more.

Landlord-Tenant Solutions During the COVID-19 Outbreak

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Over the past several weeks COVID-19 has transformed our communities, forcing necessary limitations on in-person interactions and threatening the financial wellbeing of families and businesses alike. On March 24, the State of Washington enacted a Stay Home, Stay Healthy Order, shutting down all business other than those deemed essential.

It is crucial that landlords and tenants communicate and collaborate to determine what modifications are needed to their leases to forgive certain obligations of tenants that cannot be fulfilled during the government-mandated closures. Click the links above to learn more.

Impact of COVID-19 on Restaurants and Bars

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The coronavirus (COVID-19) pandemic has impacted the ability of businesses around the world to maintain operations and fulfill existing contractual obligations. In just a matter of days, the World Health Organization declared COVID-19 a pandemic, governments imposed unprecedented travel and large-gathering restrictions, cities and states prohibited dine-in service at restaurants and bars, and companies from all sectors experienced severe business interruptions or canceled events due to a combination of government regulations on large gatherings and pandemic concerns. The fast-paced evolution of the COVID-19 pandemic gives rise to new events every day that affect a business' ability to perform its contractual obligations. Click the links above to learn more.

Families First Coronavirus Response Act

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The coronavirus (COVID-19) pandemic has impacted businesses throughout the United State and around the world leading to severe business interruptions and significant challenges for employers. In response, on March 18, 2020, the President signed the Families First Coronavirus Response Act. Click the links above to learn more.

Kurt Kruckeberg Article, "Unforeseen Circumstances and Citrus Soap: A Tale of a Force-Majeure Clause in the Time of the Spanish Flu"

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Since the onset of the pandemic, I've heard clients and colleagues talk about dusting off force majeure clauses. Force majeure clauses are the clauses that give a contracting party an "out" due to unforeseen circumstances beyond the parties' control. Out of curiosity, I searched whether there were any reported cases interpreting force majeure clauses in the nearest historic analogue to our current crisis: the Spanish flu of 1918.

I found one Spanish-flu-force-majeure case. Oddly enough, the case was about something we've all been talking about: soap. Click the links above to learn more.
