

SEATTLE EVICTION MORATORIUM **EXTENDED TO 1/1/21**

KEY TAKEAWAY

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.

SUMMARY OF TENANT PROTECTIONS

- Evictions of nonprofits and small businesses for non-payment of rent or expiration of the lease are prohibited until the earlier of January 1, 2021, or the date the Order is terminated
 - For a small business to qualify, it must be owned and operated independently of all other businesses and have 50 or fewer employees on the premises
 - Unlike prior Seattle City Council bills, franchisees with 5 or fewer stores are not included in the definition of a qualifying small business
- Evictions of residential tenants are prohibited until the earlier of January 1, 2021, or the date the Order is terminated, unless the tenant poses an imminent threat to the health or safety of others
- Landlords are prohibited from issuing or acting on a notice of termination, or initiating an unlawful detainer action, against any residential tenant, unless the tenant poses an imminent threat to the health or safety of others
- Landlords cannot charge late fees, interest, or other costs due to late payment of rent against tenants
- Tenants will gain a defense to eviction in any pending eviction action set to be heard during the moratorium
- Landlords and tenants should attempt to agree on a payment plan for past-due rent
- The King County Sheriff cannot act on residential eviction orders during the moratorium, with the potential exception if tenants pose an imminent threat to the health or safety of others

IMPORTANT NOTE

Combination of Emergency Response Moratorium and Winter Eviction Moratorium

Recall that under the Seattle winter eviction moratorium passed in February of 2020, it is a defense to eviction in Seattle if: (a) the eviction would occur between December 1 to March 1 of each year, (b) the tenant is below 100% Area Median Income, and (c) the landlord has an "ownership interest" in more than four rental units. The winter eviction ban has an exception for evictions involving imminent threats to health and safety of other tenants, drug activity, criminal activity, removal of the property from the rental market, and emergency vacate orders. The practical effect of the extension of the Order, when coupled with the winter eviction moratorium, is that many residential evictions in Seattle may be prohibited until at least March 1, 2021.

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Please do not hesitate to contact us with any questions or concerns you may have.

Best regards,



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