

SEATTLE EVICTION MORATORIUMS EXTENDED THROUGH 3/31/21

Key Takeaway

On December 15, 2020, Mayor Durkan extended until March 31, 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 March 31, 2021. Several other citywide closures, suspensions, and relief measures were also extended in the Mayor's Executive Order.

Click [here](#) for the text of the Mayor's December 15, 2020 Executive Order 2020-12.

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 April 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
 - While franchisees with 5 or fewer stores are not included in the definition of a qualifying small business, they are included under City Council Bill 119766, which also prevents evictions until the Order is terminated
- Evictions of residential tenants are prohibited until the earlier of April 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
- 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 a potential exception if tenants pose an imminent threat to the health or safety of others

Notes Regarding Eviction of Tenants after Termination of Emergency Order

The Seattle City Council previously adopted several bills relating to the eviction moratorium that effectively prevent the eviction of certain residential tenants within 6 months after termination of the Order. To qualify, residential tenants must submit a declaration or self-certification in the eviction lawsuit stating they are unable to pay rent due to a financial hardship, and the reason for the eviction must be related to the tenant's failure to pay rent. Additionally, residential or qualifying commercial tenants may elect to repay past due rent that came due during or within 6 months after termination of the Order in equal monthly installments over a 6-month period (or over a 12-month period for qualifying commercial tenants). A landlord's refusal to accept repayment of past due rent will result in an additional defense for a tenant against eviction.

SEATTLE EVICTION MORATORIUMS EXTENDED THROUGH 3/31/21

Click [here](#) for the full summary of the City Council Bills relating to residential tenants, and [here](#) for a full summary of City Council Bill 119766 relating to qualifying commercial tenants.

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

Best regards,



ZAC DELAP | Attorney

zac.delap@hcmp.com

206.470.7628

[Click here to learn more about Zac.](#)



KURT KRUCKEBERG | Attorney

kurt.kruckeberg@hcmp.com

206.470.7640

[Click here to learn more about Kurt.](#)



BRIAN FREE | Attorney

brian.free@hcmp.com

206.470.7646

[Click here to learn more about Brian.](#)

DISCLAIMER

The information contained in this update is provided for informational purposes only. It is not business, legal, accounting, tax, financial, investment or other advice on any matter and may not be relied upon as such. Please contact your attorney to obtain advice regarding any particular legal matter.